United Nations A/69/211*

General Assembly

Distr.: General
30 July 2014

Original: English

Sixty-ninth session
Item 27 (a) of the provisional agenda**
Advancement of women

Intensifying global efforts for the elimination of female genital mutilations

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 67/146, on intensifying global efforts for the elimination of female genital mutilations, the present report provides information on measures taken by Member States and activities undertaken within the United Nations system to address female genital mutilations. The report draws conclusions and proposes specific recommendations for future action.

* Reissued for technical reasons on 22 September 2014.
** A/69/150.

14-58526* (E) 230914

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I. Introduction

1. In its resolution 67/146 of 20 December 2012, the General Assembly stressed that the empowerment of women and girls was key to breaking the cycle of discrimination and violence and for the promotion and protection of human rights, including the right to the highest attainable standard of mental and physical health, including sexual and reproductive health. The Assembly called upon States to ensure that national action plans and strategies on the elimination of female genital mutilations were comprehensive and multidisciplinary in scope, and urged States to ensure the national implementation of international and regional commitments. It also called upon States to develop policies and regulations to ensure the effective implementation of national legislative frameworks on eliminating discrimination and violence against women and girls, and to put in place adequate accountability mechanisms at the national and local levels to monitor adherence to and implementation of those legislative frameworks. The Assembly urged States to enact and enforce legislation to prohibit female genital mutilations and end impunity, and to develop social and psychological support services to protect women and girls who had been subjected to the practice and those at risk.

2. Also in that resolution, the Assembly called upon States to strengthen advocacy and awareness-raising programmes, and to enhance formal, non-formal and informal education and training in order to promote the direct engagement and mobilization of girls and boys, women and men, community leaders and institutions in developing preventive and elimination programmes, and to ensure that all key actors worked to eliminate attitudes and harmful practices that negatively affected girls. It also called upon States to develop unified methods and standards for the collection of data on all forms of violence against girls, especially forms that were underdocumented. The present report is based on information and submissions received by Member States[1] and entities of the United Nations system.[2] It covers the period from 20 December 2012 to 26 June 2014.

II. Background

3. Female genital mutilations[3] are the result of gender inequality and discriminatory social and cultural norms which relate to the position of women and girls in the family, community and society. They constitute a harmful practice and a form of violence against women and girls that can have both immediate and long-term consequences for their physical, sexual and mental health, and even result in death. Female genital mutilations are often interconnected with other harmful

[1] Replies for the present report were received from Australia, Burkina Faso, Cameroon, Canada, Cyprus, Egypt, Germany, Italy, Norway, Slovenia, Togo, Uganda and the United Republic of Tanzania.

[2] Replies for the present report were received from the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the Economic Commission for Africa, and the United Nations Entity for Gender Equality and the Empowerment of Women, as well as the United Nations Population Fund and the United Nations Children's Fund in relation to the Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change.

[3] "Female genital mutilations" is the term used in General Assembly resolution 67/146. "Female genital mutilation" is also used, as is "female genital mutilation/cutting".

practices, as well as with other forms of discrimination and violence against women, such as child, early and forced marriage, as those practices are associated with a woman's "coming of age".[4] The need to gain social acceptance is the most frequently stated reason for supporting the continuation of female genital mutilations. Social acceptance often supersedes other reasons like better marriage prospects, the preservation of virginity, more sexual pleasure for men, religious necessity and cleanliness/hygiene.[5]

4. States are obligated under international human rights frameworks such as the Convention on the Elimination of All Forms of Discrimination against Women to enact, implement and monitor legislation addressing all forms of violence against women, including harmful practices. Despite progress in many countries in adopting such laws and policies, enforcement is insufficient and in many cases social norms prevail which allow the practice to continue. Furthermore, the persistence of harmful practices despite legislative and policy reforms indicates the need for more holistic strategies that address the root causes of those practices, such as gender inequality, and that transform discriminatory social norms and promote gender equality more broadly. In order to effectively prevent and respond to violence against women and girls and harmful practices, it is important to integrate prevention and response in a coordinated and comprehensive approach. Interventions that engage communities, families and policymakers while simultaneously investing in girls' and women's skills, opportunities and empowerment are therefore essential.

5. According to the latest available data, in the 29 countries where the practice is concentrated, more than 125 million girls and women alive today have undergone female genital mutilations and a further 30 million girls may be at risk. The data also show that the practice is most common in the western, eastern and north-eastern regions of Africa, some countries in Asia and the Middle East, and worldwide among communities of migrants from these areas. Prevalence rates for female genital mutilations reach above 90 per cent of women and girls in some countries, although the rate varies dramatically among ethnic groups and by geographical area. Socioeconomic factors influence the prevalence of and attitude towards female genital mutilations within countries, while the prevalence of the practice among women and girls living outside of their countries of origin, owing to increased migration, is also on the rise.[5]

6. Trends show that the chances that a girl will undergo female genital mutilations are significantly higher if her mother has undergone the practice herself. In many cultures, female genital mutilations appear to be an important physical marker of insider/outsider status and are intertwined with shared values such as sexual restraint and respect for one's elders. Although no causal link can be established, the practice appears to be more common in rural areas and less common among girls in the wealthiest households. Support for female genital mutilations is stronger among girls and women in the poorest households.

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[4] United Nations Population Fund-United Nations Children's Fund Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change, annual reports for 2011 and 2012.

[5] The analysis in this section is based on: United Nations Children's Fund, *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (New York, 2013). Available from www.childinfo.org.

7. In most countries where the practice is concentrated, the majority of girls and women, as well as men, think it should end. In all countries with available data, girls and women consistently underestimate the proportion of boys and men who want female genital mutilations to end. This indicates the importance of more open dialogue between men and women, and between boys and girls, so that prevailing social expectations concerning female genital mutilations can be challenged.

8. The data show a strong association between level of education and support among women for the practice. Support declines progressively with increased levels of education and income. Data analysis confirms that gender equality and women's empowerment are essential in reducing and ultimately eliminating the practice.

III. Global and regional legal and policy developments

9. During the reporting period, the United Nations and other intergovernmental bodies continued to address female genital mutilations as a human rights violation. The Commission on the Status of Women, at its fifty-seventh and fifty-eighth sessions, held in 2013 and 2014, respectively, reaffirmed the importance of creating an enabling environment to end harmful practices such as child, early and forced marriage and female genital mutilations, by reviewing, adopting, enacting and enforcing laws and regulations that prohibited such practices, creating awareness of their harmful health consequences and generating social support for the enactment of such laws. Gender equality, the empowerment of women and girls and their enjoyment of their human rights are essential to sustainable economic and social development, and cannot be achieved without understanding and addressing unequal power relations between men and women, social norms, harmful practices and stereotypes that perpetuate discrimination against women and girls.

10. During the reporting period, the Committee on the Elimination of Discrimination against Women expressed concern about State parties to the Convention on the Elimination of All Forms of Discrimination against Women not having taken sufficient sustained and systematic action to modify or eliminate stereotypes, negative cultural values and harmful practices, as well as the persistence of such practices among certain communities within States parties and the lack of national legislation criminalizing female genital mutilations. The Committee welcomed the inclusion of harmful practices, including female genital mutilations, in laws relating to the prevention and prohibition of violence against women. It expressed concern, however, that female genital mutilations were often practised outside of the territory of countries with such laws and in neighbouring countries in order to avoid prosecution. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child continued working on the elaboration of a joint general recommendation/comment on harmful practices, including female genital mutilations. Once adopted, it will be the first joint general comment by two treaty bodies.

11. In September 2013, the Human Rights Council adopted decision 24/117, proposed by the African Group, in which it called upon the Office of the United Nations High Commissioner on Human Rights to organize a high-level panel discussion on the identification of good practices in combating female genital mutilations, to be held during the twenty-sixth session of the Council, in June 2014. The final report of the high-level panel is yet to be released, but discussion during

the debate confirmed that female genital mutilations were a form of gender-based discrimination and that they violated the right to be free from torture and the right to the highest attainable standard of health. Because they were often performed on children, they also represented a violation of children's rights. It was agreed that greater involvement by local communities was required, especially for prevention and assistance to women and girls who had been subject to, or were at risk of, female genital mutilations. The importance of education for women, girls, boys and men, as well as legal literacy, was highlighted as important, particularly in the context of considering the post-2015 development agenda.

12. The United Nations Statistical Commission in 2013 endorsed a core set of nine indicators on violence against women, which include an indicator on female genital mutilations. The Statistical Commission recommended that, where relevant, the module on female genital mutilations should be included in demographic and health surveys conducted at the national and subnational levels.[6]

IV. Measures and initiatives reported by States and United Nations entities to implement resolution 67/146

13. A broad range of initiatives were undertaken during the reporting period by Member States, United Nations entities, civil society organizations and regional bodies to foster the commitment to ending female genital mutilations and to advance the implementation of General Assembly resolution 67/146. Those initiatives resulted in, inter alia, action plans for consolidating progress and further intensifying national actions (in Burkina Faso and Italy); the identification and mapping of relevant stakeholders and their potential roles in combating female genital mutilations; the development of rapid baseline studies/assessments on the legal and normative frameworks relating to female genital mutilations (by the Economic Commission for Africa (ECA)); and the raising of awareness of, and an increasing sensitization to, the main principles of domestic and international legal frameworks banning female genital mutilations through the dissemination of knowledge of the principles contained in resolution 67/146 (in Burkina Faso and Italy).

14. Member States have continued working towards ending female genital mutilations by implementing international human rights conventions through collaboration among different stakeholders at the national, bilateral, regional and international levels. Numerous efforts and initiatives have fostered changes[7] in social beliefs and behaviours that are conducive to the decline of the practice, including the enactment of laws prohibiting female genital mutilations; comprehensive policies and prevention measures, such as community education and dialogue, as well as the engagement of the media; a strengthened evidence base; and the identification of good practices for improved programming.

15. The UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change has directly contributed to the political commitments outlined in General Assembly resolution 67/146 and has supported countries, regional bodies and global actors in the implementation of that resolution. The Joint Programme

[6] See ESA/STAT/AC.193/L.3, paras. 53 and 54.

[7] As reported by the United Nations Population Fund-United Nations Children's Fund Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change.

completed its first phase in 2013 and has succeeded in accelerating the elimination of female genital mutilations at the global and national levels, leading to 8 million people in more than 12,000 communities in 15 countries publicly declaring their abandonment of the practice, among other results. In its second phase for the 2014-2017 period, which is designed to respond to the recommendations of the joint evaluation of the UNFPA-UNICEF Joint Programme[8] and build a stronger framework for scaling up, the Joint Programme will contribute to the acceleration of total elimination of female genital mutilations within the next generation (i.e. within 20 years, to achieve a 40 per cent decrease in prevalence among girls aged 0-14 years in at least five countries, with at least one country declaring total elimination of the practice by the end of 2017). In 2014, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) joined the Joint Programme in its second phase to support, at the policy level, the effective integration of perspectives related to gender equality and the elimination of violence against women and girls. In order to address the serious health consequences for women and girls, the World Health Organization will be closely associated to the Joint Programme to strengthen health-care guidelines related to female genital mutilations.

A. International instruments and national legislation

16. All of the 13 reporting Member States are parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child. Reference was made by some Member States to their adherence to regional legal instruments that contain provisions on the elimination of female genital mutilations, including the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Some reporting States are signatories to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, which includes provisions relating to female genital mutilations. With regard to sustained and systematic action to eliminate harmful practices and address their persistence among certain communities, the progress reported by Member States has been uneven. Various countries, including Australia, Egypt, Germany, Norway, Uganda and the United Republic of Tanzania, have passed specific laws, including in some cases extraterritorial measures, prohibiting female genital mutilations. According to the submission provided by the UNFPA-UNICEF Joint Programme, Guinea-Bissau and Kenya have also passed laws prohibiting female genital mutilations. In other States, such as Canada and Slovenia, general criminal law and the principle of extraterritoriality, as well as general child protection law, are applicable to cases of female genital mutilations. The practice is prosecuted in all member States of the European Union, either through general criminal legislation or through specific legal provisions. A principle of extraterritoriality is often included to prosecute perpetrators when the practice is performed in another State. Nevertheless, criminal law cases related to female genital mutilations are rare.[9]

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[8] United Nations Population Fund (UNFPA) and United Nations Children's Fund (UNICEF), *Joint Evaluation: UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change 2008-2012*, Vol. I (New York, September 2013). Available from www.unicef.org.

[9] European Commission, "Communication from the Commission to the European Parliament and

17. Other States have adopted different laws or applied provisions of their existing legislation and institutionalized mechanisms to further protect and support women and girls subjected to or at risk of female genital mutilations. For example, the Egyptian Ministry of Health issued a ministerial decree in 2007 that instituted a universal ban on female genital mutilations, including by medical practitioners at both government and non-governmental hospitals and clinics. In Guinea-Bissau, as reported by the UNFPA-UNICEF Joint Programme, the 2011 law on female genital mutilations has complemented laws covering other issues, such as reproductive health and domestic violence, by providing for additional preventive measures to strengthen policy frameworks that address the practice, such as a national strategy and action plan through 2015. Female genital mutilations are also being reflected and integrated in broader laws addressing violence against women, for example, in Iraq.[10]

18. A number of countries, such as Burkina Faso and Uganda, have seen progress in the prosecution of and conviction for offences related to female genital mutilations. The institutionalization of court watch sessions in Uganda to address impunity in various districts, for example, contributed to some progress in reporting, arresting and prosecuting those involved in committing such offences. States, including Uganda, also took measures to render courts more accessible to women and girls who have been subjected to violence in general, and to strengthen the implementation of legislation through the development of guidelines and regulations on how to handle cases of violence against women and girls, including female genital mutilations. Those guidelines are meant for magistrates, police, prosecutors, court clerks, doctors, and officers responsible for women's rights and the protection of children. According to the submission by the UNFPA-UNICEF Joint Programme, Ethiopia and Kenya have experienced similar progress.

19. Despite these positive developments, in some contexts no criminal law against female genital mutilations exists, while in others enforcement of legislation remains a challenge.

B. National action plans, policies, strategies and coordination mechanisms

20. National action plans for eliminating female genital mutilations offer a framework for the development, implementation, monitoring and evaluation of comprehensive and coordinated strategies. Limited information has been provided with regard to the investment of resources, including budgetary allocations by national Governments to effectively scale up the elimination of female genital mutilations.

21. In some instances, Member States, such as Canada, Ethiopia,[11] Norway and the United Republic of Tanzania, have adopted national action plans and policies that include addressing various forms of violence against women and harmful practices, thereby enhancing the linkages between approaches and strengthening preventive work through improved coordination and collaboration with regard to

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the Council: Towards the elimination of female genital mutilation", COM(2013)/0833 (Brussels, 25 November 2013).

[10] As reported by the United Nations Children's Fund.

[11] As reported by the United Nations Population Fund-United Nations Children's Fund Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change.

public services. In Uganda, interventions relating to female genital mutilations have been integrated into other government development programmes. The Ugandan gender policy provides overall guidance for the elimination of the practice. The draft policy on gender-based violence, in particular, incorporates a section on female genital mutilations and a detailed action plan to ensure implementation of the policy. Moreover, through the Ministry of Gender, Labour and Social Development, an alliance at the subnational level has been established to coordinate work towards the elimination of female genital mutilations. In Cameroon, a national strategic plan on reproductive, maternal and newborn health, which includes a specific component on harmful practices, has been developed for the period 2014-2020. The strategic plan complements other important policy instruments relating to gender equality, violence against women and female genital mutilations. These include a national policy on gender with a component on all forms of discrimination and abuse of women and girls, a national strategy to combat violence against women and a comprehensive national action plan against female genital mutilations. The strategic plan on reproductive, maternal and newborn health is aimed at increasing, by 60 per cent by 2020, treatment of the consequences of harmful practices and other forms of violence against women and girls at the national, regional and district levels. These interventions contribute to achieving universal access to quality services and reproductive health care. Such multisectoral approaches encourage networking, help avoid duplication and stipulate clearly defined roles and responsibilities for the various players involved. They thereby contribute to leveraging resources and intensifying efforts for the elimination of female genital mutilations. As a result, the Government of Uganda, for example, introduced and approved a specific budget line for female genital mutilations in 2010 and continues to support non-governmental organizations in undertaking prevention programmes.

C. Bilateral, regional and international agreements and cooperation and collaboration with non-governmental organizations

22. Efforts to eradicate female genital mutilations through bilateral cooperation have focused on prevention and social mobilization, addressing the health consequences of the practice, supporting the reintegration of women and girls and building capacity at all levels. These include national and regional efforts, including ones led by Canada, Germany and Norway, to support the improvement of national action plans in partner countries, as well as to coordinate mechanisms and means to contribute effectively to the elimination of the practice.

23. Several countries have collaborated on cross-border prevention measures in populations of identical or similar ethnic and cultural backgrounds. For example, in East Africa, countries have exchanged delegations representing communities and local government representatives. A number of cross-border collaborations have also emerged in West African countries, including Burkina Faso, Mali, the Niger and Senegal.[11] There has also been sharing of experiences among all partners working to address female genital mutilations through joint planning and strengthened collaboration, both at the regional and the national levels. These regional collaborations, including ones led by ECA and the UNFPA-UNICEF Joint Programme, have enabled non-governmental organizations to develop cross-border partnerships and studies to deal with female genital mutilations across borders.

D. Prevention measures

24. In order to be effective, measures to prevent all forms of violence must address multiple aspects of social realities in a complementary and interrelated way to change knowledge and behaviours and strengthen institutions and their accountability, working directly with civil society, communities and specific groups. Prevention requires promoting and achieving transformation in individual, interpersonal, community and wider societal behaviours and practices in all public and private spaces.

25. Various awareness-raising events in commemoration of the International Day of Zero Tolerance for Female Genital Mutilation, international and regional conferences, high-level meetings, workshops and side events organized on the margins of the sessions of the Commission on the Status of Women were aimed at raising awareness of the issue and highlighted efforts made by Member States and communities to promote social change and end harmful social and cultural practices. Such occasions also resulted in cross-border partnerships, the development of studies and the establishment of monitoring mechanisms. Following the adoption of General Assembly resolution 67/146, for example, ECA, the Inter-African Committee on Traditional Practices and No Peace Without Justice collaborated to increase awareness of, and sensitization to, domestic and international legal frameworks banning female genital mutilations in order to ensure its recognition as a human rights violation. They also convened, in New York in March 2014, the meeting entitled "Ban female genital mutilation worldwide: taking action on General Assembly resolution 67/146 in Eastern Africa".

26. In some countries, progress has been made with comprehensive and integrated prevention approaches. Most initiatives include awareness-raising, advocacy, education and training activities at the institutional and community levels. In some States, such as Canada, efforts have focused on the accessibility of information and orientation activities for affected communities in relevant languages free of charge, as well as culturally sensitive counselling sessions in educational and recreational settings for girls at risk.

27. Other initiatives include the capacity-building of service providers through training, seminars and curricula for judges and public prosecutors on victim protection and related issues (e.g. in Canada and Germany), immigration services, security forces and health practitioners (Canada and Togo), health professionals working with immigrant and refugee children and youth, journalists and teachers (Cyprus, Guinea[11] and the United Republic of Tanzania), including on interdisciplinary approaches such as communication with particularly vulnerable victims. Capacity-building programmes for rural health and family empowerment outreach workers are being implemented by government ministries to strengthen the commitment of medical supervisory bodies and medical staff at public hospitals in high-prevalence areas, together with training manuals on life skills for children, adolescents and young people, both in and out of school (Egypt, Ethiopia,[11] Guinea[11] and Uganda).

28. Media campaigns and communications initiatives (radio, television, cinema, theatre) have contributed to a great extent to sensitizing public opinion to the consequences of female genital mutilations and familiarizing the public with the

legal instruments and measures in place to combat the practice.[12] Religious leaders and faith-based organizations play an important role in the prevention of violence against girls. In October 2013, the publication "Female circumcision: between the incorrect use of science and the misunderstood doctrine", prepared by Al-Azhar University in Cairo, was launched with the support of the UNFPA-UNICEF Joint Programme. The document clarifies important issues, separating cultural practices from religion and discussing scientific evidence in relation to female genital mutilations. More than 28,000 informational posters were published and distributed in all public health facilities nationwide, district hospitals and non-governmental organizations, emphasizing legislation criminalizing female genital mutilations.[11] The communication materials also call on communities to protect girls and to report cases to the national hotline dedicated to addressing female genital mutilations.[13]

29. Initiatives and programmes related to formal and informal education have also played a fundamental role in increasing knowledge of harmful practices and contributing to the elimination of female genital mutilations. Through engaging teachers, schools have taken an active role against the practice in many communities. A number of international and local civil society organizations, funded by Norway and other partners, have conducted both in-school and out-of-school programmes to educate parents and students about female genital mutilations and to promote positive changes in attitudes and behaviours in Egypt, Ethiopia, Kenya, Mali, Senegal, Somalia, the Sudan, Uganda and the United Republic of Tanzania. In Egypt, the Kamla campaign, developed by a coalition of non-governmental organizations, is a school-based intervention which stresses that being intact, healthy and untouched is the right of every Egyptian girl. The campaign has been launched in 11 governorates and has contributed to more than 17,700 families declaring their intention to abandon this harmful practice.[11] In the Sudan, the Saleema initiative is aimed at replacing, through communication, awareness-raising and community dialogue, the pejorative term for "uncut girl" with "Saleema", a word meaning "whole and as God intended her". The Saleema initiative in Khartoum State has resulted in a significant increase in the use of the positive wording and knowledge of the Saleema message. The Saleema initiative has been successfully scaled up in six additional States. Coupled with the introduction of social marketing and mass media communication tools, it has reached potentially 80 per cent of the total population. Furthermore, the community dialogue programme using the Saleema approach reached 550 new communities and generated over 140 public declarations of abandonment of female genital mutilations in 2013.[11]

30. The stimulation of dialogue within communities about the harms of the practice and the benefits of adhering to new social norms that respect human rights and gender equality is an important element of the prevention strategy that the UNFPA-UNICEF Joint Programme has consistently carried out over the years in the countries where it operates. Such dialogues often result in a statement or public commitments by the population. These public declarations by communities constitute a step forward in the process of eliminating female genital mutilations, indicating both the intention to change and a change in public expectations regarding the practice. Through partnership with government and civil society,

[12] As reported by Guinea-Bissau, Togo and the United Republic of Tanzania.

[13] As reported by Egypt.

12,000 communities and villages to date have declared their abandonment of female genital mutilations.[14] In Uganda, the "grandmother approach" focuses on involving grandmothers in development programmes dealing with the health, protection and education of women and children. The aim is to improve their knowledge and practices, so that grandmothers can play a positive role with regard to gender equality and bodily integrity in the family and in the community. The "grandmother approach" encourages intergenerational dialogue between younger and older community members in the fight against female genital mutilations in a culturally sensitive manner, with the involvement of grass-roots organizations.

31. Since the adoption of General Assembly resolution 67/146, States have increased support for and sensitization with regard to the elimination of female genital mutilations and have strengthened bilateral collaboration. For example, Burkina Faso and Italy have pursued an intensive campaign in cooperation with United Nations entities, the International Organization of la Francophonie, civil society organizations and many other countries engaged in the battle against female genital mutilations.

32. The collaboration among Governments, parliamentarians, United Nations entities, civil society, non-governmental and faith-based organizations, the media and continent-wide and regional institutions has also contributed to increasing action-oriented initiatives for the elimination of female genital mutilations. For example, in addition to the international conference on "Action to achieve commitments in UNGA resolution 67/146: intensifying global efforts for the elimination of female genital mutilations", organized in Rome in October 2013 by the Government of Italy, in collaboration with the UNFPA-UNICEF Joint Programme, a subregional conference on the theme "For a region without female genital mutilation: banning all forms of female genital mutilation, including the so-called 'Sunnah' practice" was held in Djibouti in 2013 to commemorate the International Day of Zero Tolerance for Female Genital Mutilation. The Day of the African Child (2013) also focused on ending harmful social and cultural practices.

E. Response measures

33. All Member States that submitted information for the present report indicated that they had implemented measures to protect and assist women and girls who have experienced or are at risk of female genital mutilations. Services often consist of protection, health, legal and psychosocial support and the integration of alternative livelihood options for women and girls. In addition, response measures relating to female genital mutilations have been integrated into ongoing development programmes that provide services and safe spaces to girls and women. A specific focus has been placed on strengthening the capacity of sexual and reproductive health systems to care for women and girls affected by the practice, as well as of child protection systems to provide both protection and care services.

34. In general, services offering sufficient expertise and knowledge to provide support to victims remain inadequate. The importance of systemic and coordinated responses to female genital mutilations and its consequences through existing national, decentralized and non-governmental systems cannot be overemphasized.

[14] As reported by Djibouti, Egypt, Guinea-Bissau, Kenya and Uganda.

The main gaps and challenges that need to be more thoroughly addressed are the need for adequate social and psychological support services and care. Limited information has been provided on specific programmes addressing the greater risk of female genital mutilations in emergency and crisis situations.

35. As of 2014, all 17 countries of the UNFPA-UNICEF Joint Programme have budgeted for action plans to strengthen relevant services to address female genital mutilations along a continuum, from the prevention of the practice to the protection and care of the girls and women affected. In some countries (such as Guinea and Mali),[11] information on female genital mutilations, as well as prevention and treatment guidelines, including protocols, monitoring mechanisms and data collection, have been fully integrated into sexual and reproductive health services. Investments have been made in medical kits for care management and in the marketing of health services within communities to improve the lives of girls and women. In Burkina Faso and Mali, with the support of UNFPA, 227 girls and 503 women have benefited from these services. In other States, such as Germany, Egypt and Togo, a free national 24/7 telephone hotline has been set up to receive reports of planned cases of female genital mutilations.

36. Services to address the risks and consequences of female genital mutilations are increasingly being integrated into reproductive health and HIV/AIDS services. Information on the health effects of female genital mutilations is also provided by such services, which contributes to the leveraging of resources and the scaling up of a multipronged approach to eliminating the practice. The use of reproductive health as an entry point for dialogue on female genital mutilations provides an opportunity for communities to better understand, analyse and engage, from an informed point of view, with the real challenges associated with female genital mutilations and to develop appropriate interventions for eliminating the practice. Some Member States have set up health centres specializing in care for victims of female genital mutilations, providing mostly gynaecological services, in particular for pregnant women. In Norway, where the practice is illegal, a total of eight hospitals across the country have established special clinics to address the negative consequences of illegal procedures undertaken by specific migrant communities. In those hospitals, the personnel of social paediatric centres are trained to examine and treat children for complications following female genital mutilations. All services are free of charge and easy to access.

F. Data collection and research

37. The availability of reliable, comparable, quantitative and qualitative data is crucial for evidence-based legal and policy development, along with programme design and implementation, to eliminate female genital mutilations. Information and data on violence against women and girls, including harmful practices, is critical to fully understanding the issues and contexts, developing tailored preventive and responsive approaches, monitoring the efficacy of investments and guiding improvements over time, as well as for advocacy efforts. The evidence base is also important for identifying practices that have been successful and that, when shared, can inform developments in other settings.

38. The collection of prevalence and other data on female genital mutilations has been achieved mainly through two major household surveys: demographic and

health surveys, supported by the United States Agency for International Development; and multiple indicator cluster surveys, supported by UNICEF. During the reporting period, at least eight countries carried out data collection through national household demographic and health surveys.[15] In some countries, alternative national representative household surveys provide relevant data.

39. Specific health-facility-based studies covering attitudes towards female genital mutilations, along with their immediate health consequences and their obstetric and gynaecological consequences, have been conducted in various countries.[16] These studies have been used to support the development of educational materials for national use and/or research on female genital mutilations. Health-facility-based studies have also been developed by UNFPA to measure the prevalence of female genital mutilations among girls aged 0-14 in order to assess changes relating to the practice. The Gambia, Kenya and Mali have also undertaken such studies.[11]

40. Available data on various forms of violence against indigenous women and girls, including harmful practices and female genital mutilations, are presented and reviewed in the publication "Breaking the silence on violence against indigenous girls, adolescents and young women".[17] The report, which has been endorsed by the International Indigenous Women's Forum, the United Nations Permanent Forum on Indigenous Issues and the Special Rapporteur on violence against women, its causes and consequences, finds that, while violence against women and girls is universal, the situation facing indigenous women and girls is even more pronounced, owing to overlapping forms of discrimination.

41. The 2013 UNICEF publication *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* is a major advance in global data collection efforts to track the progress of change regarding female genital mutilations. The report is the result of more than 20 years of efforts to standardize data collection methods, in alignment with the United Nations Statistical Commission, to measure progress in eliminating the practice. To date, nationally representative data have been collected in 29 countries in Africa and the Middle East where female genital mutilations have been recognized to be concentrated. The United Nations Children's Fund continually advocates with Governments to include the female genital mutilations module, introduced by the multiple indicator cluster survey and the demographic health survey in 2010, in national household surveys in States where the practice has been documented but national representative data have not yet been collected.

42. In countries where the practice is not widespread, such as Cyprus and Slovenia, data availability may be limited. Sometimes the lack of data may also be linked to the unavailability of efficient mechanisms to identify cases, which could in

[15] Chad (2014), Egypt (2014), Gambia (2013), Mali (2012-13), Nigeria (2013), Senegal (survey for 2012-13 completed; 2013-14 upcoming), Sierra Leone (2013) and Togo (2013-14), as reported by the Joint Programme.

[16] As reported by Australia, Cyprus, Norway, Togo and Uganda, as well as by the Joint Programme for the Gambia, Kenya and Mali.

[17] United Nations Children's Fund, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Population Fund, International Labour Organisation and Office of the Special Representative of the Secretary-General on Violence against Children, "Breaking the silence on violence against indigenous girls, adolescents and young women: a call to action based on an overview of existing evidence from Africa, Asia Pacific and Latin America" (May 2013). Available from www.unwomen.org.

turn allow in some instances a greater number of cases going unnoticed and proper treatment and protection not being received.

43. The joint evaluation of the UNFPA-UNICEF Joint Programme for the period 2008-2012, completed in 2013, was a major contribution to the evidence base on programme efforts to end female genital mutilations and on United Nations joint programming. The evaluation confirmed the importance of the Joint Programme's focus on female genital mutilations as a social norm whose change requires comprehensive and coordinated action across sectors at all levels of society. It also highlighted the need to strengthen and broaden the gender equality component and human-rights-based approach and to invest in more in-depth research on changing social norms.[18] The evaluation confirmed the importance of enhancing subregional dynamics for change through cross-border approaches to foster and promote exchanges, collaboration and synergistic interventions among countries.

44. Challenges remain regarding the scope and breadth of what is needed to address violence against women and girls, accounting for different forms, sectors and interventions. The UN-Women Virtual Knowledge Centre to End Violence against Women and Girls (www.endvawnow.org) facilitates access to a synthesis of the global evidence base, promising approaches and methodologies, lessons learned, good practice case studies, recommended programming tools, expert organizations and individuals, and information on external training, conference and workshop opportunities.

V. Conclusions and recommendations

Conclusions

45. **An important number of actions have been taken at the national, regional and international levels to foster the elimination of female genital mutilations. Greater political commitment has allowed for strengthened national and legal policy frameworks and improved measures for enacting and implementing them, as well as enhanced subregional collaboration. Examples of good practices were provided by Member States and the UNFPA-UNICEF Joint Programme with relation to the engagement of religious leaders and faith-based organizations, and community participation and engagement, leading to public declarations of the abandonment of the practice of female genital mutilations, the integration of preventive and response measures addressing the practice in existing health and education services, and the capacity-building of officials in justice and other institutions.**

46. **Despite those efforts, the practice remains a grave concern in the 29 countries where it is concentrated. Additionally, it is on the rise for women and girls living outside of their countries of origin, owing to increased migration. More than 125 million girls and women alive today have undergone female genital mutilations, and a further 30 million girls may still be at risk. Although the proportion of girls and women who have experienced female genital mutilations may decrease, the total number of cases may still increase, owing to population growth. The practice is deeply rooted in gender inequality and**

[18] See the executive summary of the joint evaluation of the Joint Programme.

discriminatory social norms which relate to the position of women and girls in the family, community and society.

47. Trends show that socioeconomic factors, as well as levels of education and income, influence the prevalence of and attitude towards female genital mutilations. Across countries, the majority of girls and women are in favour of abandoning the practice but are unaware of and underestimate the share of boys and men who also believe that female genital mutilations should end. Since the practice is connected to social acceptance, discussions that reveal the true opinion of boys and girls and women and men who oppose the practice should be facilitated to influence traditional forums and decision-making. Giving voice and visibility to girls and women, as well as leaders and communities, that oppose the continuation of female genital mutilations remains critically important in demonstrating change and stimulating additional dialogue and action towards the elimination of such practices.

48. Strengthened and sustained political commitment must translate into comprehensive national laws and policies, in accordance with international human rights standards, and the allocation of adequate human and financial resources for their implementation. States have introduced criminal offences and improved implementation of legal and policy reforms through the development of guidelines, the capacity-building of officials and the improved coordination of services. They have also integrated policies relating to female genital mutilations into policies for gender equality. Despite these developments, there remains insufficient enforcement of legislation and policies and a limited allocation of resources for their implementation. Inadequate monitoring and accountability mechanisms and a lack of comparable data to facilitate the analysis of trends are also hampering progress.

49. There is an increasing number of educational programmes and mobilization initiatives involving multiple stakeholders, such as in schools, communities, religious institutions and the media. These initiatives promote the direct engagement and mobilization of girls and boys, women and men, communities and institutions in programmes to prevent and eliminate female genital mutilations. Interventions that engage communities, families and policymakers while simultaneously investing in girls' and women's skills, opportunities and empowerment are essential. Overall, limited information was provided about the comprehensiveness of initiatives, the impact of measures and programmes and the allocation of adequate resources to ensure their effectiveness and sustainability.

50. The persistence of harmful practices, despite legislative and policy reforms, indicates the need for more holistic strategies that address the root causes of those practices, such as gender inequality, and that transform discriminatory social norms and promote gender equality more broadly. In order to effectively prevent and respond to violence against women and girls and harmful practices, it is important to integrate prevention and response in a coordinated and comprehensive approach based on human rights and gender equality principles.

Recommendations

51. **States should develop comprehensive legislation that prohibits female genital mutilations and punishes perpetrators, including extraterritorial laws for citizens practising female genital mutilations in other jurisdictions. Legislation should also mandate a range of prevention and protection measures for women and girls who have been subjected to or are at risk of female genital mutilations. Specific provisions on budgetary allocation, and appropriate mechanisms to coordinate, monitor and evaluate laws, their impact and implementation should also be considered in the development of legislation.**

52. **States should ensure that national policies and strategies on the elimination of female genital mutilations are implemented through national action plans that are multisectoral, include specific timelines and goals, provide accountability frameworks and mechanisms and are fully resourced. They should ensure the participation of all stakeholders, including affected groups, practising communities, non-governmental organizations and women's groups, in the development, implementation and evaluation of such policies and strategies.**

53. **States must place a stronger focus on the development of comprehensive prevention strategies that are multisectoral and coordinated. In addressing female genital mutilations, States should engage with a range of governmental institutions from different sectors, such as the judicial, health, and formal and informal education sectors, as well as religious institutions and faith-based organizations, the media and society at large. Women and girls, men and boys, youth, and community and religious leaders should be actively involved in prevention initiatives to achieve the transformation of behaviour and practices at the individual, interpersonal, community and societal levels, in private and public spaces.**

54. **States should ensure that the protection of and provision of support to women and girls subject to, or at risk of, female genital mutilations are an integral part of policies and programmes that address the practice. In order to prevent serious lifelong consequences, women and girls subjected to or at risk of female genital mutilations should be provided with a coordinated, specialized, accessible quality multisectoral response which includes legal, psychological, health and social services, in accordance with standard ethical guidelines and provided by adequately trained personnel. Psychosocial services need to be strengthened. Conditions need to be improved so as to permit women and girls to report cases of female genital mutilations.**

55. **States should provide measures tailored to the specific needs of women and girls who face multiple forms of discrimination, including indigenous women, displaced and refugee women, and migrant women.**

56. **The development of uniform methods and standards for the collection of data on the prevalence, causes and consequences of female genital mutilations should be strengthened. The sharing of good practices relating to the prevention and abandonment of the practice should be reinforced at the subregional and regional levels. Research and evidence concerning initiatives to prevent violence against women and girls should be intensified to inform the**

development of effective strategies to eliminate female genital mutilations and harmful practices.

57. **States should support the active involvement and participation of civil society, women's groups, and community and other key stakeholders in the design, development, implementation, monitoring and evaluation of prevention, response and advocacy measures.**

58. **States should dedicate greater resources to effectively scale up the elimination of female genital mutilations. Unpredictability of funding or short-term commitments do not allow consistent and sustainable interventions.**

59. **United Nations entities should coordinate and join efforts that contribute to a comprehensive approach towards the elimination of the practice according to their respective comparative advantage, in line with gender equality and human rights principles. Further investments in holistic prevention strategies and research on the effectiveness of specific interventions over time should be made.**

60. **Given that female genital mutilations, and all forms of violence against women, hamper the achievement of gender equality and the empowerment of women, which are critical for sustainable development, the elimination of the practice should be reflected and incorporated in the post-2015 development agenda.**

United Nations A/69/212

General Assembly

Distr.: General
31 July 2014

Original: English

Sixty-ninth session
Item 65 (a) of the provisional agenda*
Promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report is submitted to the General Assembly pursuant to its resolution 68/147 on the rights of the child, in which it requested the Special Representative of the Secretary-General for Children and Armed Conflict to submit a report to the Assembly on the activities undertaken in discharging her mandate and on the progress achieved in advancing the children and armed conflict agenda.

The report covers the period from August 2013 to July 2014. It describes trends, selected issues of concern and progress made over the past year at both the policy and operational levels, including the mainstreaming of child protection issues within the United Nations system.

The report also provides information on field visits of the Special Representative, on her engagement with regional organizations and international partners and on dialogue with parties to conflict. It outlines a number of challenges and priorities in her agenda and concludes with a set of recommendations to enhance the protection of children affected by conflict.

* A/69/150.

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I. Introduction

1. In its resolution 68/147, the General Assembly requested the Special Representative to submit a report on the activities undertaken in discharging her mandate, including information on field visits, progress made and challenges faced in the advancement of the children and armed conflict agenda. The present report highlights progress made over the past year and outlines the immediate priorities, as well as a longer-term vision, to advance the children and armed conflict agenda in collaboration with Member States, United Nations entities, regional and subregional organizations and civil society.

II. Trends and challenges in the children and armed conflict agenda

2. Since the creation of the mandate of the Special Representative by the General Assembly in its resolution 51/77, the plight of children continues to bring the international community together to end and prevent grave violations against children in armed conflict. Through enhanced coordination among child protection actors within and beyond the United Nations system, progress has been achieved at both the normative and policy levels. The present report highlights the important new initiatives undertaken and commitments renewed during the period under review to improve the well-being of children living in the direst of circumstances.

3. Despite the continued engagement and progress made, the situation of children affected by armed conflict around the world remains of grave concern. In the previous report to the General Assembly, the Special Representative highlighted three crises that marked the reporting period. The past 12 months have witnessed an escalation of conflict in an increasing number of countries/areas and situations, including the Central African Republic, Iraq, Nigeria, South Sudan and the Syrian Arab Republic and, most recently, in the State of Palestine and in Libya. There was also increased instability in several other situations.

4. At the time of reporting, the situations in the State of Palestine and in Israel as well as in Iraq and Libya deteriorated dramatically, while the level of conflict in South Sudan continued to be alarming. All parties must be held accountable for violations committed against children, and for the violations that have had a severe impact on their lives, including attacks on schools, hospitals and protected personnel. The high number of civilian casualties in Gaza, of which at least one quarter have been children, is unacceptable. In Iraq, the recent escalation of violence and fighting between the Government and armed groups is causing a significant loss of civilian lives. Sadly, this is coupled with indications that children are being recruited and used by all sides in the conflict.

5. Children have been deprived of their most basic rights in many situations. They have witnessed and sometimes even been forced to commit atrocities. During the reporting period, attacks against civilians and the conduct of hostilities in populated areas have resulted in a spike in documented cases of killing and maiming of children in several situations. Children are being killed in aerial shellings with barrel bombs or rockets, in attacks carried out with increasingly sophisticated improvised explosive devices, or are being shot on their way to school.

6. Access to education and health care during conflict is a growing concern. In recent years, the international community has become increasingly aware of the impact of attacks on schools and hospitals and of the military use of schools. During the reporting period, the monitoring and reporting on and response to those violations have been further strengthened by increased advocacy and the development of operational strategies to prevent and end such practices by parties to conflict. The guidance note entitled "Protect Schools and Hospitals: end attacks on education and health care" launched by the Special Representative jointly with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), and the draft Lucens guidelines for protecting schools and universities from military use during armed conflict, are two noteworthy initiatives in that regard. However, more must be done to mitigate the devastating impact of the worrisome increase in attacks on educational and medical facilities.

7. Advocacy to protect schools and raising awareness about the need to adhere to international humanitarian law must be undertaken during times of peace but become even more urgent during times of conflict. The cumbersome process of rebuilding a school and restoring a community's trust in its safety often leaves children without education for months or years. In a current conflict, such as that in the Syrian Arab Republic, this is a key concern. The United Nations and its partners are trying to ameliorate the situation through the "No Lost Generation" campaign.

8. Radicalized groups with ideological motives are gaining prominence in a number of conflict settings, including Iraq, Nigeria and the Syrian Arab Republic. Such ideologically driven warfare poses an additional threat to the well-being of children, often leading to an increase in the indiscriminate killing and maiming of civilians, targeted attacks on school facilities and sexual violence. In many situations, children are forced to participate in the conflict through ideological indoctrination or, conversely, become the target of attacks themselves by such groups in the name of ideology. In the parts of the Syrian Arab Republic controlled by extremist groups, such as the Islamic State, all regular education activities have ceased. In such areas, children are increasingly subjected to radicalized ideological education that incites to violence, or are refused access to education based on their gender or other personal attributes. In Nigeria, the abduction of more than 250 school girls, and the killing of boys and girls in attacks on schools by Boko Haram, are tragic examples of how radicalized extremist armed groups are targeting children.

9. The radicalization of armed groups poses a number of challenges. New measures and strategies to address these challenges, including counter-terrorism strategies, are often seen through a security lens, which can have worrying consequences for children. With changing perceptions of the status of combatants within the counter-terrorism framework, children recruited and used by radical armed groups are no longer primarily seen solely as victims of armed conflict but may also be considered perpetrators. Such conflation often leads to the detention of children accused of association with an armed group, which further complicates the task of addressing the variety of violations committed against children in situations of armed conflict. Given that many counter-terrorism strategies typically involve the long-term deprivation of liberty and sometimes solitary confinement of individuals involved in perceived or actual terrorist activities, the implications for children in such circumstances constitute a growing and grave concern.

10. Sexual violence continues to be committed and to dramatically affect girls and boys in conflict situations. Sexual violence against children has long gone underreported as a result of social stigma and structural challenges, including the often limited access to justice by victims in conflict-affected countries. While it remains difficult to document incidents of rape and sexual violence, the trends and patterns are known. Rape and sexual violence not only happen in the context of attacks on the general civilian population but are also targeted at specific groups or communities, sometimes based on ethnicity. This creates havoc in communities where underage girls are found pregnant from rape and babies born out of rape are not always accepted. While most of the perpetrators of sexual violence against children are often known, they enjoy impunity in the majority of cases. The lack of accountability and the non-prosecution of perpetrators present a disheartening picture. The response to rape and sexual violence against children must continue to be multifaceted and encompass medical, psychosocial and legal assistance. The global advocacy and political momentum created by the June 2014 Global Summit to End Sexual Violence in Conflict, in which the Special Representative participated, sent a powerful signal in this regard.

III. Dialogue, commitments and action plans with parties to conflict

A. "Children, Not Soldiers": ending the recruitment and use of children by Government forces in conflict

11. On 6 March 2014, the Special Representative and UNICEF launched the campaign "Children, Not Soldiers" to end the recruitment and use of children by Government forces in conflict by 2016. The campaign was launched under the auspices of the Government of Luxembourg, Chair of the Working Group of the Security Council on Children and Armed Conflict.

12. The campaign Children, Not Soldiers involves the eight Governments whose national security forces are listed in the annexes to the report of the Secretary-General on children and armed conflict (A/67/845) for their engagement in the recruitment and use of children. They are Afghanistan, Chad, the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, the Sudan and Yemen. All concerned Member States endorsed the objectives of the campaign and committed to ending and preventing the recruitment and use of children by their security forces by 2016.

13. The campaign aims to strengthen cooperation with Governments to ensure that children are protected from recruitment by national armed forces and the national police. The Special Representative and UNICEF are mobilizing support to accelerate the full implementation of those action plans. During the launch in March 2014, a large number of Member States expressed their support for the campaign and willingness to assist concerned Governments on their path to compliance.

14. Prior to the campaign launch, the armed forces of six of the eight Governments — Afghanistan, Chad, the Democratic Republic of the Congo, Myanmar, Somalia and South Sudan — had signed action plans with the United Nations. Subsequent to the campaign launch, in May 2014, the Yemeni authorities signed an action plan to end and prevent the recruitment and use of children. In June

2014, the Government of South Sudan recommitted to fully implementing the action plan it had signed with the United Nations in 2012 and, in July, the Government of Afghanistan formally agreed to an accelerated road map for compliance with the action plan it had signed in 2011.

15. Chad's deployment of troops in the United Nations Multidimensional Integrated Stabilization Mission in Mali contributed to renewed momentum to engage with the United Nations to accelerate the implementation of the action plan it had signed in 2011 to end and prevent underage recruitment in the Armée nationale tchadienne. The Special Representative and UNICEF engaged with Chadian authorities and jointly adopted a road map detailing specific measures to achieve compliance with the action plan, which was fully implemented through sustained collaboration. As a result, the Armée nationale tchadienne was delisted from the annexes to the report of the Secretary-General on children and armed (A/68/878-S/2014/339). While a number of challenges remain to ensure the sustainability of the gains achieved, the progress accomplished by Chad demonstrates that, with national ownership and clear targets, the action plan process can effectively contribute to strengthening the capacity of national security forces to respect child rights.

16. The Children, Not Soldiers campaign also serves as a platform for advocacy and a catalyst for national and regional initiatives in support of the broader children and armed conflict agenda. For example, in the Democratic Republic of the Congo, the campaign "Plus jamais de Kadogo" was developed to support the Children, Not Soldiers campaign with messages adapted to the local audience and addressing all parties to the conflict. In addition, the African Union the European Union and several Member States proactively supported the goals of the campaign. In order to ensure durable progress, the Special Representative will also prioritize facilitating cooperation between the Member States concerned and the exchange of good practices among them.

B. Engaging non-State actors

17. Engagement and dialogue with non-State armed groups to end grave violations against children is central to the implementation of the children and armed conflict mandate and has been a longstanding priority for the Special Representative. Since the inception of the mandate, the Special Representative has engaged with armed groups through dialogue, written commitments and the signing and implementation of action plans. Over the years, those efforts have yielded concrete results. Thirteen non-State actors have signed action plans with the United Nations, namely in the Central African Republic, Côte d'Ivoire, Nepal, the Philippines, Sri Lanka, South Sudan and the Sudan.

18. The challenge of engaging armed non-State actors, however, is growing. Out of the 59 parties cited for grave violations in the annexes to the report of the Secretary-General on children and armed conflict (A/68/878-S/2014/339), 51 are non-State armed groups. This calls for enhanced efforts by the United Nations and its partners to address the growing role of non-State actors in a number of current conflicts. Over the course of the reporting period, the Special Representative and United Nations partners interacted with a number of armed groups. As such, the growing number of public statements and command orders issued by armed groups

prohibiting the recruitment and use of children and other grave violations have provided a basis for building renewed momentum.

19. Dialogue and concrete commitments to sign action plans with non-State actors is currently under way, including in the Central African Republic, Mali, Myanmar, the Philippines, Sudan, South Sudan, the Syrian Arab Republic and Yemen. Recent progress in establishing a dialogue was made with the Al-Houthi/Ansar Allah in Yemen and the Syrian National Coalition, as well as with armed groups operating in the Central African Republic and South Sudan.

20. It is important to recognize, however, that non-State actors do not constitute a homogenous group and that challenges remain in a number of situations where United Nations engagement is limited or stalled. Such challenges include limitations in access, ideological convictions, including a lack of incentive or political will to engage with the United Nations, and an absence of structured chains of command and identifiable leadership.

21. Achieving cooperation from Governments on the acceptance of a dialogue between the United Nations and listed armed groups is crucial as is ensuring that the United Nations is able to undertake monitoring and follow-up of signed commitments. A number of Governments have facilitated support from the outset by granting the United Nations dialogue with armed groups concerning child protection. In the case of Myanmar, the Philippines, Sri Lanka and Yemen, for example, the respective Governments facilitated dialogue with certain armed groups in accordance with Security Council resolution 1612 (2005). The Special Representative will continue to advocate for access to non-State armed groups and engage with them through multidimensional strategies to ensure the protection and well-being of children.

C. Identifying entry points in mediation and peace processes

22. Addressing grave violations by State and non-State armed groups and engaging perpetrators on concrete measures to end and prevent such practices must be made using a case-by-case approach. One suggested strategy of engagement is the mainstreaming of child protection concerns in mediation and peace processes. Incorporating specific commitments into political settlements, ceasefire arrangements, peace agreements and relevant implementation mechanisms can provide unique opportunities and entry points for the protection of children.

23. When there is an opportunity for dialogue, parties to the conflict should be prompted to commit to immediately protecting children from all grave violations. The inclusion of those provisions would pave the way for child protection actors to implement protection and prevention activities and would open doors for dialogue with the parties to end and prevent grave violations. In that regard, the cessation-of-hostilities agreement between armed groups in the Central African Republic signed during the Central African national reconciliation forum, held in Brazzaville on 23 July, is an example of how the inclusion of specific and explicit commitments by signatories constitutes a first step to ensure the protection of children within the wider political process.

24. Early consideration of children's issues in peace-making processes can also facilitate the planning and mobilization of resources. For instance, the release and

reintegration of children associated with armed forces or groups is strongly linked to security arrangements in peace processes. It is also an integral part of the disarmament, demobilization and reintegration process, which requires a specific focus on provisions for children, in particular girls. In that regard, the Special Representative commends the General Assembly for its continued call to States and regional organizations to support the inclusion of such commitments in peace agreements (see resolution 68/147). However, this aspect often remains neglected.

25. Mainstreaming child protection in peace processes can also pave the way for the development of time-bound measures to address the needs of conflict-affected children. Where a previous action plan exists, a peace process can offer an opportunity to revitalize commitments and accelerate action plan implementation. Alternatively, dialogue on child protection with parties to a peace process can provide an entry point for mediation efforts. Agreeing on minimum standards for children, for example, the early demobilization of child soldiers, can serve as a confidence- and trust-building measure. This was the case in Nepal, where negotiations on the action plan to end the recruitment and use of children in 2009 served as an entry point for the overall dialogue on the implementation of the disarmament, demobilization and reintegration process, as stipulated in the 2006 Comprehensive Peace Agreement.

26. In the context of her mandate, the Special Representative has continued to engage with mediators, special envoys and regional organizations to integrate the protection of children into peacemaking initiatives on a case-by-case basis, trying to ensure that all those who can influence and have access to parties in a conflict do not overlook issues related to conflict-affected children. This has implied reaching out to and holding regular meetings with special representatives and special envoys to find mutually reinforcing ways to cooperate.

27. In that spirit, the Special Representative reached out to the Special Envoy of the Secretary-General for the Great Lakes Region to ensure that the issue of children remained central in her engagements with pertinent parties. Similarly, she liaised closely with the former Joint Special Representative of the United Nations and the League of Arab States for Syria. Regarding the conflict in the Central African Republic, the Special Representative engaged with mediators involved in peace efforts, such as representatives of the Economic Community of Central African States, the African Union and the United Nations, to advocate for the inclusion of specific commitments. Regarding the situation in Yemen, the Special Representative reached out to the Special Adviser to the Secretary-General on Yemen and engaged with representatives of the countries of the Gulf Initiative to ensure that the protection of children, including in respect of implementing the action plan and reintegration, will be included in their discussions and initiatives. More recently, she engaged with Intergovernmental Authority on Development mediators to identify ways of strengthening cooperation in the context of the peace talks in South Sudan.

28. The recent commitments that the Special Representative was able to obtain from the Government of South Sudan and the opposition forces demonstrate that, in some cases, eliciting commitments by parties to conflict in the context of a mediation process to end grave violations committed against children can only be achieved through complementary and synergistic actions by different actors. In that regard, the Special Representative is engaging with a number of partners to identify and refine key elements of guidance that can be used in mediation processes, with

due consideration given to the specifics of each mediation process. She will continue to work closely with the mediation community and to reach out to representatives of academia, specialized civil society organizations, experienced third-party mediators and other practitioners.

IV. Raising global awareness and mainstreaming

29. As an independent moral voice and global advocate for the protection of children affected by armed conflict, the Special Representative engaged actively with Member States, regional organizations and civil society throughout the reporting period. Her engagement involved numerous initiatives, including advocacy and reporting to the Security Council, the General Assembly and the Human Rights Council, conducting field visits, developing guidance and strengthening partnerships within and beyond the United Nations system. Finally, the Special Representative was a public advocate on a number of occasions in various public forums.

A. Briefings and global advocacy

30. Throughout the reporting period, the Special Representative was invited to brief various United Nations bodies, including the Security Council and its Working Group on Children and Armed Conflict, on the humanitarian situation in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali, South Sudan and the Syrian Arab Republic. She also presented to the Working Group four reports of the Secretary-General on the situation of children and armed conflict in the Democratic Republic of the Congo, Mali, the Philippines and the Syrian Arab Republic. On 7 March, the Special Representative and UNICEF briefed the Security Council on the launch of the campaign Children, Not Soldiers. The Council subsequently endorsed the objectives of the campaign by adopting resolution 2143 (2014). This is the first time that a resolution has included a reference to the importance of universal birth registration as a tool to prevent underage recruitment. The Council's acknowledgement that the military use of schools is a deep concern has invigorated the policy development process. The process reflects and has reinforced the mandates of a number of resolutions adopted by the General Assembly (for example, 66/141, 63/241, 57/190 and 55/79) that have called for measures to ensure that the rights of children to education and health are respected.

31. On 5 May, the Special Representative, together with the Special Representative of the Secretary-General on Sexual Violence in Conflict, briefed the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, sharing information on grave violations committed against children and calling for action by the Committee to target perpetrators.

32. The Special Representative provided an oral update to the Human Rights Council at the opening of its 24th session, held in September 2013, and again on 12 March 2014. On both occasions, she highlighted the need to include the issue of children in armed conflict in all human rights reporting and recommendations. In Geneva, the Special Representative briefed the African and Asian regional groups to highlight trends and challenges related to the children and armed conflict mandate;

promote new ratifications of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and to solicit their support for the Children, Not Soldiers campaign.

33. In May, in Addis Ababa, the Special representative was invited to chair a side-event with African States in respect of the Children, Not Soldiers campaign to discuss specific challenges, best practices and strategies towards ending the recruitment and use of children by Government forces. The event was organized by Luxembourg with the assistance of the African Union. An informal group of interested partner States was formed to advance the discussion in Addis Ababa.

34. In May, the Special Representative co-hosted an event in New York with France to take stock of progress made and remaining challenges since the adoption of Security Council resolution 1539 (2004), in which the Council formalized the action plan process to end the recruitment and use of children. The event, in which UNICEF and the Permanent Representatives of Benin and Luxembourg to the United Nations also participated, highlighted that action plans had proved to be effective tools to protect children affected by conflict and echoed repeated calls by the General Assembly for Member States to take effective measures to end all grave violations against children.

35. In June, the Special Representative participated in the Global Summit to End Sexual Violence in Conflict, co-hosted by the Secretary of State for Foreign and Commonwealth Affairs, United Kingdom of Great Britain and Northern Ireland, William Hague, and the Special Envoy of the United Nations High Commissioner for Refugees, Angelina Jolie. The summit galvanized global political support to combat sexual violence in conflict, and for the first time gathered voices from all geographical horizons and backgrounds to speak about the issue. The Special Representative seized the opportunity to bring the issue of sexual violence against children to the forefront and to reinforce the messages delivered by the United Nations and civil society partners.

36. Throughout the reporting period, the Special Representative consistently engaged with Member States in respect of her agenda through the permanent missions in New York, either during events with regional organizations or field visits. She has also engaged bilaterally with Member States interested in providing support and technical assistance for the implementation of the children and armed conflict agenda. Her bilateral engagements with officials from countries affected by conflict situations have been in support of their efforts to end and prevent grave violations against children.

37. For example, in June, she participated in a high-level round table event on the recruitment and use of children by national armed forces, with a particular focus on the reintegration of children, at the invitation of the Government of the United Kingdom of Great Britain and Northern Ireland. The round table was attended by ministerial delegations of the Democratic Republic of the Congo, Sierra Leone and Somalia and provided a forum for sharing experiences and lessons learned from countries that had ended the recruitment and use of children and for those making progress on aspects of the reintegration of children separated from armed forces and armed groups. The round table reinforced similar discussions held in Geneva, Switzerland, in March and in Addis Ababa in May and highlighted the importance of sharing experiences in respect of promoting national ownership. A declaration of commitment was issued at the conclusion of the round table.

38. The Special Representative has advocated for the inclusion of the issue of children and armed conflict into discussions on the post-2015 agenda. In that regard, she attended a retreat for permanent representatives of African countries in New York in April aimed at consolidating the position of the Group of African States. Similarly, at the invitation of the Government of Algeria, she travelled to Algiers in May to attend the 17th Ministerial Conference of the Non-Aligned Movement, which emerged as another opportunity to strengthen her advocacy in respect of the post-2015 agenda.

39. In the context of her advocacy, the Special Representative continued to promote the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. During the reporting period, three countries/areas (Ethiopia, Estonia and the State of Palestine) ratified the Optional Protocol, bringing the total number of ratifications to 156. The European Union is the first regional organization to have achieve 100 per cent ratification of the Optional Protocol.

40. The Special Representative also engaged in public activities to raise awareness and mobilize support for the protection of children affected by armed conflict. She delivered lectures to advocacy groups and at universities, such as the London School of Economics and Harvard University, and think tanks, such as the London-based Chatham House and the Seattle-based Council of World Affairs. She was a keynote or guest speaker at a wide range of events.

41. The Special Representative also gave interviews to members of the international media on a regular basis to advocate for the protection of children affected by conflict and to raise the profile of situations in which grave violations against children were being committed. In addition, the Special Representative reached out to the general public through communications posted on the website of her office, which were made available in the six official languages of the United Nations, and through social media. Since August 2013, the Special Representative's social media outreach has more than doubled in size.

B. Field visits

42. Field visits are central to the Special Representative's advocacy efforts since they represent opportunities to engage directly with Governments and other parties to a conflict to advocate for the protection of children, to secure concrete commitments and to support the implementation of the monitoring and reporting mechanism.

43. During the reporting period, she conducted field visits to Côte d'Ivoire (October 2013), the Democratic Republic of the Congo (November 2013) and Yemen (May 2014). She also conducted joint visits to the Central African Republic in December 2013 with the Special Adviser to the Secretary-General on the Prevention of Genocide and a representative of the Office of the Special Representative to the Secretary-General on Sexual Violence in Conflict, and to South Sudan in June 2014 with the Director-General of UNESCO, Irina Bokova and the UNESCO Special Envoy for Peace and Reconciliation, Forest Whitaker. The field visits provided opportunities to follow up on the implementation of action plans, to assess first-hand the impact of conflict on children and to advocate specific aspects of the mandate. During her visits, the Special Representative met with

Government officials, senior representatives of national armed forces and law enforcement agencies, non-State armed groups, representatives of the humanitarian community, the diplomatic community and civil society, internally displaced persons and children affected by armed conflict.

Democratic Republic of the Congo

44. The Special Representative travelled to the Kinshasa, Goma, Rutshuru and Beni in the Democratic Republic of the Congo from 17 to 23 November 2013 to evaluate the situation of children and the progress achieved by the Government and the United Nations since the signing of the action plan in October 2012.

45. The Special Representative welcomed the strong collaboration between the Government, UNICEF and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, which resulted in the release of hundreds of children from the national security forces. She also discussed the progress and challenges in responding to violations against children and in addressing impunity, emphasizing the need for stronger age verification procedures within national security forces and for the full implementation of the prohibition against the detention of children associated with armed groups.

46. In the light of the activities of armed groups, the Special Representative stressed the importance of sustained efforts to ensure that the special needs of children were fully addressed in the national disarmament, demobilization and reintegration programme and to ensure that perpetrators of child rights violations were not integrated into the national security forces and were held accountable. She also insisted that the rehabilitation of schools be made a priority so as to give children opportunities for a better future.

Central African Republic

47. In the context of the escalating violence and the deteriorating security situation in the Central African Republic, the Special Representative visited the country from 17 to 21 December 2013, together with the Special Adviser to the Secretary-General on the Prevention of Genocide, Adama Dieng, and a representative of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

48. The visit was conducted only days after the killing of over 1,000 people in sectarian violence and following large-scale violations against children by ex-Séléka and anti-Balaka groups. The primary aim of the visit was to assess the impact of the conflict on children and to advocate with transitional authorities and other relevant interlocutors the cessation of violence and better protection for civilians. The Special Representative urged the transitional authorities to ensure safe access to cantonment sites and to facilitate the identification and handover of children associated with armed groups. She also met with representatives of the African-led International Support Mission in the Central African Republic and Opération Sangaris, the French military contingent in the Central African Republic, to discuss operational issues to enhance the protection of children. She had meetings with religious and civil society leaders to identify entry points for community-based dialogue. In addition, she met families displaced by the conflict and interacted with humanitarian actors in Bangui and Bossangoa to assess their needs and to understand the challenges they faced.

49. The Special Representative called for the rapid strengthening of the United Nations capacity to ensure an adequate response to the child protection crisis. She also engaged with United Nations and African Union partners to ensure that commitments to end the recruitment and use of children and other grave violations against children by parties to the conflict would be included in a political settlement. This resulted in such references being included in the agreement on the cessation of hostilities signed in Brazzaville on 23 July.

Yemen

50. At the invitation of the Government, the Special Representative travelled to Yemen from 13 to 15 May for the signing of an action plan to end the recruitment and use of children by Government forces. The visit followed her trip to Yemen in November 2012 to facilitate dialogue with the Government on the issue.

51. The signing of the action plan, which followed over a year of negotiations between UNICEF and representatives of the Government, marked an important step and reflected the Government's commitment to achieving long-term stability through security sector reform and in full respect of the rule of law and human rights.

52. A number of key measures need to be taken as a matter of priority in order to ensure meaningful implementation of the action plan, such as age determination procedures, and to set the age for voluntary recruitment in conformity with Yemen's international obligations. The establishment of an interministerial committee will also be essential as will be the strengthening of the civil registration authority to ensure universal and free registration at birth.

South Sudan

53. The Special Representative travelled to South Sudan from 22 to 27 June to assess the impact on children of the crisis that has unfolded since 15 December 2013 and to follow up on the implementation of the action plan signed in 2012. On 24 June, she witnessed the signature of a recommitment agreement by the Government of South Sudan and the United Nations to end and prevent the recruitment and use of children by the Sudan People's Liberation Army. The agreement also addressed the killing and maiming of children, sexual violence against children and attacks on schools and hospitals. Part of the visit was conducted jointly with the Director General of UNESCO Director-General and the UNESCO Special Envoy for Peace and Reconciliation, and included advocacy activities for the protection of schools and education in conflict zones.

54. In her various interactions with interlocutors from the Government, the Sudan People's Liberation Army, the South Sudan national police service and the United Nations, the Special Representative called upon the South Sudanese leaders to stop the humanitarian crisis, end the grave violations against children and ensure accountability by bringing perpetrators to justice. She advocated along similar lines with non-State armed groups, such as the South Sudan Democratic Movement/Army under David Yau Yau, and the South Sudan Liberation Army, which had integrated into the Sudan People's Liberation Army in 2013.

55. Prior to the above-mentioned visit, the Special Representative met in Addis Ababa in May with the former vice-president and leader of the Sudan People's

Liberation Movement/Army in Opposition, Riek Machar, to whom she relayed her concerns regarding reports of large numbers of children recruited and used, killed, maimed or raped by his forces. She obtained a signed commitment to end the recruitment and use of children and all grave violations against children. At the time of reporting, the commitment had yet to be implemented, and violations against children continued unabated by both sides.

Côte d'Ivoire

56. The Special Representative visited Côte d'Ivoire from 26 to 30 October 2013 on the occasion of the fourth high-level retreat on the promotion of peace, security and stability in Africa, which was convened by the African Union in Abidjan. She met with the Ivoirian authorities as well as with the senior leadership of the United Nations Operation in Côte d'Ivoire and members of the United Nations country team. Although significant progress has been made with regard to the recruitment and use of children, impunity for perpetrators of sexual violence and limited access to justice for victims of sexual violence remain concerns to be addressed through support provided to the justice system and through legislative and procedural reform. The Special Representative advocated strengthening the legal framework and taking action to overcome judicial blockages, in particular the obliging of victims to submit costly medical certificates in order to file a complaint, which constitutes a major obstacle to pressing charges against suspected perpetrators.

C. Protecting schools and hospitals from attack

57. Under international humanitarian law, both schools and hospitals are protected civilian objects and therefore benefit from the humanitarian principles of distinction. However, attacks on schools and hospitals during armed conflict are alarmingly widespread and carry grave risks for children. In its resolutions 1998 (2011) and 2143 (2014), the Security Council highlighted the violation of attacks on schools and hospitals, provided clear direction on the need to monitor and report on this grave violation, expressed deep concern over the military use of schools, and encouraged Member States to formulate concrete measures to deter such practices. Similarly, the General Assembly has called upon States to ensure continuous access to education for children affected by armed conflict.

58. In order to promote the implementation of those resolutions, the Special Representative, in collaboration with UNESCO, UNICEF and WHO, developed the guidance note entitled "Protect schools and hospitals: end attacks on education and health care". The guidance note, which was launched on 21 May, aims to strengthen monitoring of and reporting on attacks on schools and hospitals by providing key definitions and practical advice. The guidance note also promotes advocacy and dialogue with parties to conflict and the deepening of partnerships between various stakeholders in addressing the plight of children seeking access to education and health care. In addition, it provides practical advice on how to advocate with parties to conflict in order to prevent the military use of schools and hospitals. With a view to ensuring wide dissemination and effective implementation, the guidance is being published in English, French and Arabic. The Special Representative strongly encourages Member States to promote the guidance note and to institute changes in national policies and legislation, and to include the guidelines in military doctrine, manuals and training.

D. Supporting the effective reintegration of children

59. While disarmament, demobilization and reintegration programmes are crucial to addressing the recruitment and use of children, the reintegration aspect is fundamental to mitigating the risks of rerecruitment by armed groups by providing appealing and durable options to children. Family tracing and reunification, community reintegration, psycho-social assistance, education and skills training are just a few of the services that are essential to helping children to recover from the impact of conflict and to transition into adulthood.

60. Children recruited and used by armed forces and groups have been out of their communities and out of school, sometimes for years; they must often reacquire the social skills needed to interact with their communities and to access economic and livelihood opportunities. The concept of sustainable community-based reintegration is not new. It was part of the recommendations of the 1996 report prepared by Graça Machel on the impact of armed conflict on children. However, implementing effective reintegration programmes continues to be a challenge. Adequate resources to provide effective programmes are too often lacking.

61. Partnerships between concerned Governments, donor countries, the United Nations and civil society must encompass all phases of post-conflict intervention, from recovery to peacebuilding and development. The reintegration needs of children separated from armed forces or groups should be increasingly reflected in peacebuilding strategies with a view to making children and youth programming a foundation for durable peace.

62. In addition, the Special Representative participated in initiatives to promote South-South dialogue on child reintegration, such as the Third Global Conference on Child Labour organized by the International Labour Organization (ILO), which was convened in Brasilia in November 2013. At the conference, the Special Representative encouraged participants to prioritize the issue of child soldiers; participated at a side event hosted by Luxembourg during the African Union open debate held in May 2014; and attended a ministerial round table on children and armed conflict at the Global Summit to End Sexual Violence in Conflict convened in London in June. The events provided the opportunity to generate discussions between countries that have undergone similar experiences in child disarmament, demobilization and reintegration, and allowed participants to share experience and lessons learned. The Special Representative will continue to build upon such positive initiatives that promote South-South networking around child reintegration.

63. The Special Representative is particularly pleased to note the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) to increase access among refugees and internally displaced persons to education, even in the emergency phases of its operations. The UNHCR focus on access to education as a protection tool to prevent forced recruitment, sexual violence, child labour and early or forced marriages is a step in the right direction. With 51 million persons under its mandate, UNHCR has gone a long way, alongside host authorities, to ensure that education brings a brighter future for young people in difficult circumstances.

64. The elaboration of the post-2015 development agenda provides an additional opportunity to reflect on expertise and lessons learned from decades of reintegration programmes. The Special Representative is convinced that best practices in respect

of reintegration should be included in the new development agenda as an essential aspect of community-building in post-conflict societies.

V. Collaboration and partnership

A. Update on collaboration with United Nations partners

65. In line with the Special Representative's mandate to collaborate and coordinate with United Nations entities on children and armed conflict, the Special Representative continued to work with the specialized agencies, funds, programmes of the United Nations programme and departments/offices of the Secretariat, including the Department of Political Affairs, the Department of Peacekeeping Operations, the International Labour Organization, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme, UNESCO, UNHCR, UNICEF and WHO, both in the field and at United Nations Headquarters, to strengthen monitoring and reporting mechanisms and to work on joint initiatives to foster cooperation and synergy in areas of common interest to promote and protect children affected by armed conflict.

66. The Special Representative also worked closely with OHCHR as well as with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Adviser to the Secretary-General on the Prevention of Genocide. Joint demarches in crisis situations and the exchange of information on grave violations falling under the purview of their respective mandates were intensified, including in the context of the Rights Up Front Action Plan. Joint visits to the Central African Republic and South Sudan provided opportunities to enhance coordination of advocacy and to increase the impact of advocacy on the plight of vulnerable populations in conflict, notably children. The Special Representative also reached out to the United Nations commissions of inquiry for the Central African Republic and South Sudan to share information pertaining to grave violations against children and to insist on the importance of strengthening investigations into grave violations of children's rights.

67. As a member of the review group on the United Nations human rights due diligence policy, the Special Representative continued to emphasize the links between the children and armed conflict mandate and the implementation of the policy, including through enhanced cross-fertilization between action plans and mitigating measures to be undertaken in implementation of the policy.

68. As a member of the Rights Up Front network and through occasional invitations to the senior advisory group chaired by the Deputy Secretary-General, the Special Representative and her office have been involved in the operationalization of the Rights Up Front action plan and have provided information and advice on situations of concern.

69. The office of the Special Representative worked closely with the Department of Peacekeeping Operations on the development of standardized training modules on child protection for all categories of peacekeeping personnel. To that end, the Department of Peacekeeping Operations has updated its core predeployment training materials and has developed a two-day specialized training course for

military personnel on child protection to be conducted during their predeployment training. The materials were validated by Member States in Kenya in March 2013, piloted in Malaysia and Uruguay in the third quarter of 2013 and launched in April 2014. The training of peacekeepers is central to the protection of children in peacekeeping and for monitoring and reporting. The Special Representative encourages Member States and regional organizations to take full advantage of the training to ensure that troops are trained in child protection before and during their deployment in peacekeeping operations. Moreover, the Special Representative's office is working very closely with the Department of Peacekeeping Operations, OHCHR and UNICEF on the planning processes for current and upcoming peacekeeping operations with regard to adequate child protection capacity.

B. Working with regional organizations

African Union

70. Throughout the reporting period, the Special Representative sustained her engagement with the African Union. On 17 September 2013, she formalized the ongoing collaboration through a joint declaration of intent which foresaw the following areas of collaboration, to be implemented jointly with UNICEF: (a) the development of a strategy to mainstream child protection concerns in African Union activities; (b) the establishment of policies and practices on child protection in accordance with regional and international standards, including the development of guidelines for African Union-led missions; (c) the assurance of a dedicated child protection capacity within the Peace and Security Department of the African Union Commission; and (d) the joint development a programme of work to further implement the activities foreseen in the declaration. As envisioned in the declaration, the United Nations and the African Union have deployed a child protection adviser to advance the partnership's objectives.

71. In January, the Special Representative attended the high-level segment of the African Union Summit with the view to strengthening partnerships, engaging in discussions and advocating on the protection of children affected by armed conflict with the Heads of States and ministers of the African countries covered by her mandate.

72. The Special Representative briefed the African Union Peace and Security Council in Addis Ababa on 8 May at the Council's first open session dedicated to children affected by armed conflict, convened under the chairmanship of the United Republic of Tanzania. During the session, the Special Representative received strong support from all members of the Peace and Security Council, and the meeting proved to be an opportunity to discuss issues affecting children in conflict situations in Africa, with an emphasis on sustainable reintegration. Members of the Peace and Security Council welcomed the partnership with the office of the Special Representative, supported the Children, Not Soldiers campaign and requested that regular sessions be held on the issue of children and armed conflict.

73. The Special Representative also took that opportunity to meet with the Secretariat of the African Union Commission of Inquiry for South Sudan to explore possibilities for providing dedicated expertise on child protection to the Commission. In addition, the Special Representative held discussions with the Intergovernmental Authority on Development to collaborate on enhancing the

protection of children in South Sudan during the operationalization phase of the ceasefire agreement. The Special Representative will continue to engage with the African Union to ensure effective collaboration and follow-up.

League of Arab States

74. Since a number of situations included in the report of the Secretary-General on children and armed conflict are in the Arab region, the Special Representative continued to engage with the League of Arab States, in follow-up to her previous visit to the headquarters of the League in Cairo in 2012. During the reporting period, the Special Representative met with the Permanent Observer for the League of Arab States to the United Nations with the aim of identifying tools to further enhance cooperation with the League, in line with the twelfth United Nations-League of Arab States general cooperation meeting held in Geneva in June. In July, the Special Representative conducted a briefing in New York for the permanent representatives to the United Nations of member States of the League on her mandate and on ways forward to enhance the engagement between her office and the League. The Special Representative and League, led by its office in New York, will seek to develop an agreement to facilitate collaboration and to develop a framework for action on the issue of children and armed conflict within the broader work of League in contexts of armed conflict in Member States.

European Union

75. The Special Representative continued to strengthen her partnership with the European Union. She emphasized the importance of fostering the implementation of the European Union Guidelines on Children and Armed Conflict and the importance of the European Union utilizing all available tools for the benefit of children affected by armed conflict. Her office remained in close contact with the European Union on issues of advocacy, chiefly through the European External Action Service, where mainstreaming is well advanced. In June, for example, the Special Representative's office, in conjunction with UNICEF and civil society organizations, conducted a training of European External Action Service staff in Brussels on child protection. The Special Representative and the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, have also undertaken joint public advocacy on the rights of children in conflict.

North Atlantic Treaty Organization

76. The Special Representative continued to engage with the North Atlantic Treaty Organization (NATO), particularly with regard to the institutionalization of the organization's child protection framework. The framework includes a practical child protection training regime for NATO soldiers and partners, and appropriate assistance for supporting the implementation of action plans in relevant NATO operations. Adoption of the outcome documents of the NATO summit held in Chicago, United States, in May 2012, which included specific references to children affected by armed conflict, was an important milestone in mainstreaming child protection concerns within NATO. The Office of the Special Representative continues to provide support to further develop NATO training on child protection, building on the previous development of web-based training launched in 2013 and other resources. The Special Representative looks forward to further strengthening

the NATO focus on child protection concerns during the upcoming summit to be held in Wales in September 2014.

VI. Recommendations

77. The Special Representative calls upon the Member States that are the focus of the Children, Not Soldiers campaign to redouble their efforts and intensify their collaboration with the United Nations and other child protection actors towards compliance with their commitments. In that regard, she calls upon donors to provide adequate and sustained funding for the implementation of action plans.

78. The Special Representative calls upon Member States and regional organizations to continue to facilitate United Nations access to and dialogue with non-State armed groups with a view to ending and preventing grave violations of children's rights, including through mainstreaming child protection concerns in ceasefire and peace negotiations and within implementation mechanisms.

79. The Special Representative calls upon Member States to seek alternatives to the prosecution and detention of children for their alleged association with armed groups or under counter-terrorism mechanisms or to ensure, at a minimum, that trials and procedures are consistent with international juvenile justice standards.

80. Noting the importance of early consideration and long-term planning to the process of reintegrating and rehabilitating children affected by armed conflict, which lies at the heart of the security-development nexus, the Special Representative calls for the inclusion of the issue in the peacebuilding, recovery and development agenda of international agencies and bilateral donors and its adequate reflection in the formulation of sustainable development goals.

81. The Special Representative urges Member States that have not done so to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to enact effective national legislation and policies to criminalize the recruitment and use of children by armed forces and groups.

82. The Special Representative calls upon Member States, regional organizations and parties to conflict to make every effort to protect schools and hospitals and to adopt concrete measures to deter the military use of schools.

83. The Special Representative calls upon Member States and civil society to ensure that particular attention is paid to the plight of girls and boys and to promote specific provisions for children in global efforts to end, prevent and respond to sexual violence in conflict.

United Nations A/69/213

General Assembly

Distr.: General
31 July 2014

Original: English

Sixty-ninth session
Item 69 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Human right to safe drinking water and sanitation

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, in accordance with Human Rights Council resolutions 16/2 and 21/2.

* A/69/150.

14-58550 (E) 200814

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Report of the Special Rapporteur on the human right to safe drinking water and sanitation

Summary

The Special Rapporteur submits the present report to the General Assembly in accordance with Human Rights Council resolutions 16/2 and 21/2. The report focuses on the right to participation in the context of realizing the right to safe drinking water and sanitation, emphasizing that States have an obligation to ensure participation. The importance of participation has long been recognized in the water and sanitation sector. Excellent examples of participatory processes exist; however, these are often isolated instances rather than institutionalized.

The Special Rapporteur seeks to provide guidance on what the right to participation requires, what elements are essential for ensuring active, free and meaningful participation, and what participation entails at various levels of decision-making. She acknowledges that participatory processes are challenging. Most significantly, when participatory processes do not address entrenched power structures and marginalization, they risk reinforcing and "legitimizing" inequalities. However, where participatory processes are meaningful and inclusive, the improvements in sustainability and empowerment are significant.

I. Introduction

1. The Special Rapporteur submits the present report to the General Assembly in accordance with Human Rights Council resolutions 16/2 and 21/2. The report examines the right to participation in the context of the human right to safe drinking water and sanitation. During the course of her mandate, she has witnessed the positive impact of authentic participation in ensuring more sustainable and inclusive results, as well as persisting problems stemming from the lack of meaningful participation.

2. There are many positive examples of participatory processes in the water and sanitation sector. However, these seem to be isolated instances rather than systematic approaches to ensuring participation at all levels. Participation is not a single event, but a continuous process. Institutionalizing genuine participation and embedding it in the political culture is challenging, but when done properly, as the Special Rapporteur on extreme poverty and human rights has noted, the gains in terms of strengthening public life and people's ability to make autonomous decisions and in being able to claim and enjoy their rights, as well as achieving sustainability, are clear (A/HRC/23/36, paras. 16-18).

3. The Special Rapporteur is concerned that "participation" is sometimes a façade. Where processes fail to pay attention to power relationships, including entrenched hierarchies, patriarchal structures and mechanisms of exclusion, they can perpetuate, or even reinforce, inequalities. An ostensibly "participatory" process may lend legitimacy to entrenched inequalities. It would be naïve to assume that participation per se is empowering; empowerment does not occur automatically, and the greatest challenge in realizing the right to participation may be to ensure that everyone can realize his or her right to participation on the basis of equality.

4. Participation is a human right. As such, it is an obligation that demands compliance. What is more, participation brings wide-ranging advantages in terms of empowerment and sustainability. It is essential for guaranteeing democracy, and it strengthens people's autonomy, agency and dignity.

5. A number of instruments provide detailed guidance on participation in particular areas or for certain population groups. However, guidance from a human rights perspective relating to all areas of decision-making on water and sanitation is still lacking. For example, what are the minimum standards for ensuring the right to participation? What does active, free and meaningful participation imply and how can it be implemented? How can participation be embedded systematically at all levels, for all population groups?

6. Much of the discourse around participation has taken place in the context of development cooperation, urging donors, non-governmental organizations (NGOs) and international organizations to adopt a human rights-based and participatory approach to their programming. While acknowledging that these actors play significant roles, the present report focuses on participation in national processes. National processes are of the utmost importance for the realization of the right to participation, and other actors should support States in developing these processes.

7. To inform her views on the issue, the Special Rapporteur convened a consultation of experts from different backgrounds, gathering both technical expertise and knowledge gained through experience. She also sent out a

questionnaire on participation in the realization of the right to water and sanitation and received more than 50 responses from States and other stakeholders.[1]

8. The present report outlines the legal basis of the right to participation. It then discusses a number of elements that need to be in place to make participation active, free and meaningful, and addresses difficulties in ensuring participation. It then discusses participation at different levels of decision-making and concludes with a number of recommendations.

II. Legal basis of the right to participation

9. The right to participation is enshrined in numerous human rights instruments. The Universal Declaration of Human Rights sets out in article 21 (a) that everyone has the right to take part in the government of their country. The Declaration on the Right to Development, which has come to significantly influence the understanding of participation, states in article 2 (3) that participation to be "active, free and meaningful".

10. Article 25 (a) of the International Covenant on Civil and Political Rights guarantees the right "to take part in the conduct of public affairs, directly or through freely chosen representatives". In interpreting this provision, the Human Rights Committee, in paragraph 5 of general comment No. 25 (1996), states that "the conduct of public affairs ... relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels".

11. Treaties adopted subsequent to the International Covenant expand the understanding of participation. Article 7 (b) and (c) of the Convention on the Elimination of All Forms of Discrimination against Women guarantees women's equal rights to "participate in the formulation of government policy and the implementation thereof" and to "participate in non-governmental organizations and associations concerned with the public and political life of the country". Article 14 (2) (a) specifies that women living in rural areas have the right to "participate in the elaboration and implementation of development planning at all levels".

12. Article 12 of the Convention on the Rights of the Child guarantees the child's right to be heard and to have his or her views taken into account. By requiring not only that children be given the opportunity to express their views in all matters affecting them but also that those views be given due weight, the Convention seeks to ensure that children's participation is meaningful.[2]

13. "Full and effective participation and inclusion in society" is one of the general principles of the Convention on the Rights of Persons with Disabilities (art. 3 (c)). Article 29 of the Convention, devoted to participation in political and public life, details measures that States shall take to "ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others".

[1] For more information, see: www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsParticipation.aspx.

[2] See Committee on the Rights of the Child, general comment No. 12 (2009), para. 28.

14. The Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization identifies participation as its cornerstone in articles 6 and 7. Article 6 (1) (b) states that Governments shall "establish means by which these [indigenous] peoples can freely participate, to at least the same extent as other sectors of the population", in applying the provisions of the Convention. The United Nations Declaration on the Rights of Indigenous Peoples provides for a more far-reaching standard, requiring "free, prior and informed consent" on various matters that are the subject of the Declaration.

15. In Europe, article 5 (i) of the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) of the Economic Commission for Europe (EEC) identifies "access to information and public participation in decision-making concerning water and health" as a principle, and articles (5) (b) and 6 (2) require public participation in target-setting and developing water-management plans. Moreover, the ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) guarantees the right to participate in decisions on specific activities, in the establishment of plans, programmes and policies and in the development of laws (arts. 6-8). Efforts are under way to develop a similar instrument under the auspices of the Economic Commission for Latin America and the Caribbean.[3] The Special Rapporteur welcomes these developments.

16. Other regional instruments include the African Charter on Human and Peoples' Rights (art. 13 (1)), the American Convention on Human Rights (art. 23 (1) (a)), the Inter-American Democratic Charter (art. 2) and the first Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) concerning the right to free elections (art. 3). Article 9 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa provides for equal participation of women in the political and decision-making process. Furthermore, the right to participation is enshrined in many national legal systems.

17. The right to participation is firmly grounded in human rights law. Starting from rather general provisions on participation in the conduct of public affairs, recent developments spell out the requirements in more detail. Instruments on child rights, the rights of persons with disabilities and indigenous rights respond to particular challenges faced by certain groups. They also mark a trend towards a broader and more robust understanding of participation that demands inclusive, active, free and meaningful participation in all areas at all stages.

III. Elements of active, free and meaningful participation

18. Active, free and meaningful participation rules out token forms of participation, the mere sharing of information or superficial consultation. This section identifies essential elements of active, free and meaningful participation in order to clarify what participation means in human rights terms.

[3] See www.eclac.cl/rio20/principio10/default.asp?idioma=IN.

A. Involving people in setting out the terms of engagement

19. Participants must be involved in determining the terms of participation, the scope of issues and the questions to be addressed, their framing and sequencing, and rules of procedure. The power to take part in setting the terms of the engagement plays a big role in shaping the conversation. Having no say over the design of the very process of engagement can result in some issues being tacitly decided beforehand and excluded from the participatory space altogether. The choice of mode of engagement determines whether people will be willing and able to participate. Efforts should be made, for instance, to involve residents in deciding venues, meeting times, and what balance of electronic and face-to-face interaction should be struck.

B. Creating space for participation

20. In some instances, empowered participatory governance has been successful, i.e., people have effectively mobilized to influence policy-making. For example, communities in California successfully mobilized, leading to the adoption of Assembly Bill 685, the California Human Right to Water Bill. Communities in California's Central Valley formed a coalition of NGOs, the Safe Water Alliance, and successfully engaged legislators to act on their behalf.[4] In the Rupnagar slum in Bangladesh, a girls' club encourages neighbours to follow safe menstrual hygiene practices. The club members produce sanitary napkins and go door to door to promote hygienic behaviour (see A/HRC/15/55 and Corr.1, para. 69); they also negotiated for and obtained a legal water connection.

21. States must provide the opportunity to engage and develop such initiatives. However, States must not justify inaction by placing the entire burden on the people taking the initiative. States have an obligation to invite participation and to create opportunities from the beginning of deliberations on a particular measure and before any decisions, even de facto decisions, have been taken; once preliminary decisions are taken, or promises made, it becomes much more difficult to agree on outcomes. Spaces for participation should be both formal (for instance, referendums or public inquiries) and informal.

C. Enabling people to access participatory processes

22. States not only have to create or promote spaces for participation, but also must enable people to eliminate barriers to accessing deliberative processes. People must have information on how to access these spaces and the procedures for getting involved. One expert has interpreted article 12 of the Convention on the Rights of the Child to require "space" and "voice", i.e., the child must have the opportunity to express his/her views with adequate facilitation.[5] The Committee on the Rights of

[4] International Human Rights Law Clinic, *The Human Right to Water Bill in California: An Implementation Framework for State Agencies* (Berkeley, University of California School of Law, May 2013). Available from www.law.berkeley.edu/files/Water_Report_2013_Interactive_FINAL.pdf.

[5] Laura Lundy, "'Voice' is not enough: conceptualizing article 12 of the United Nations Convention on the Right of the Child", *British Educational Research Journal*, vol. 33, No. 6 (December 2007), p. 933.

the Child points out that "[t]hose responsible for hearing the child have to ensure that the child is informed about her or his right to express her or his opinion in all matters affecting the child.... The decision maker must adequately prepare the child before the hearing, ... and has to take account of the views of the child in this regard".[6] Article 29 of the Convention on the Rights of Persons with Disabilities requires States parties to ensure that persons with disabilities can effectively and fully participate in public life and actively promote an adequate environment for that purpose.

23. The most persistent barrier to participation may lie in surmounting a culture of low expectations and cynicism, beliefs harboured both by individuals and public officials. States should revise the incentive structures for public officials so that they are rewarded for facilitating genuine participation rather than regarding it merely as an item to be mechanically ticked off on a checklist. This may require training on facilitation and inter-personal skills.

24. Enabling participation can take many forms. For example, in supporting village-level autonomy in development planning in the late 1990s, the State of Kerala in India offered seminars to teach the basics of conducting assessments and formulating development plans.[7] Other barriers may relate to language, literacy, meeting times, venue, advance registration and physical access. Sufficient time needs to be allowed for the participatory process. If deadlines for the receipt of public input are too tight, some interested actors may be shut out. The Aarhus Convention requires timely and effective notification of the concerned public as well as reasonable time frames for participation (art. 6 (2)).

D. Guaranteeing free and safe participation

25. Free participation rules out any form of coercion or inducement, direct or indirect. Participation must be free from manipulation or intimidation. There must be no conditions attached, such as tying access to water and sanitation to attendance of a public hearing. Participation must not be secured through bribery or the promise of a reward.[8]

26. Participation must be safe. People must not be or feel threatened when attending meetings or otherwise participating. They must be able to voice their concerns freely or request information without fear of reprisals or discrimination. Some individuals, including sex workers, undocumented migrants, survivors of human trafficking or rejected asylum seekers, face particular barriers and fear exposing themselves when taking part in official processes. Similarly, sanitation workers in many countries may not want to be identified because of stigma attached to their job. States must take specific measures to enable people to take part without fear of exposure, e.g., by allowing for anonymous participation.

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[6] Committee on the Rights of the Child, general comment No. 12 (2009), para. 41.

[7] Archon Fung and Erik Olin Wright, "Deepening democracy: innovations in empowered participatory governance", *Politics and Society*, vol. 29, No. 1 (March 2001), Political Sociology, p. 16.

[8] Guidelines on Free, Prior and Informed Consent (Geneva, UN-REDD Programme (United Nations collaborative initiative on Reducing Emissions from Deforestation and Degradation), 2013), p. 18 (hereafter UN-REDD Guidelines). Available from www.unredd.net/index.php?option=com_docman&task=doc_download&gid=8717&Itemid=53.

E. Ensuring access to information

27. Participation must be informed. People require accessible information on the issues at stake that enables them to form an opinion. Access to information must be "full and equal", not favouring some and excluding others.[9] To ensure equal access, information must be made available and be clear and consistent. It must be presented in different formats and in appropriate language. This requires communicating through various channels and media such as radio, photographs and oral presentations; simply posting information online does not make it accessible to everyone. For people to be able to understand and verify the information presented, it must be provided well in advance of any opportunity to provide input.[10] Cost must not be a barrier to accessing information. The Aarhus Convention explicitly requires that people may inspect information relevant for decision-making at no cost (art. 6 (6)).

28. Information must be objective, i.e., cover the potential positive and negative impacts of the measures being considered, as well as comprehensive, i.e., not leave out significant elements.[11]

29. Access to information must be guided by the principle of maximum disclosure. Exceptions should be narrow and must relate to a legitimate aim.[12] Public bodies should proactively publish information rather than merely react to crises or complaints. Requests for information should be processed rapidly and fairly. The State must ensure that the right to participation is not undermined by claiming commercial confidentiality, which must be limited to legitimate interests. Meetings by public bodies should generally be open to the public.[13]

F. Providing reasonable opportunity to influence decision-making

30. Meaningful participation entails ensuring that people's views are considered and influence the decision. Often, consultations are oriented towards securing people's consent rather than involving them in the design of measures. If people are allowed "voice without influence",[14] i.e., they are involved in processes that have no impact on policy-making, the potential for frustration is enormous. The Aarhus Convention requires that public bodies take due account of the outcome of public participation and notify the public of the decision made, along with reasons and considerations on which the decision is based (art. 6 (8) and (9)). In relation to child rights, it is required that children have an "audience" and "influence", i.e., that their

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[9] Committee on Economic, Social and Cultural Rights, general comment No. 15 (2003) on the right to water, para. 48.

[10] Aarhus Convention, art. 6 (2); UN-REDD Guidelines, p. 19.

[11] UN-REDD Guidelines, p. 19.

[12] Article 19, *The Public's Right to Know: Principles on Freedom of Information Legislation*, International Standards Series (London, 1999), p. 5. Available from www.article19.org/data/files/pdfs/standards/righttoknow.pdf.

[13] See Article 19, *The Free Flow Principles: Freedom of Expression and the Rights to Water and Sanitation*, International Standards Series (London, 2014), p. 9.

[14] John Gaventa, "Introduction: exploring citizenship, participation and accountability", *IDS Bulletin*, vol. 33, No. 2 (2002), p. 1.

views be listened to and acted upon as appropriate.[15] The child must be informed of the outcome and how her or his views were considered.[16]

31. The process that preceded the adoption by Brazil of its national plan for water and sanitation is an illustration of good practice: the Government made publicly available a record of all the contributions received, indicating that over two thirds of the suggestions had been incorporated into the plan and giving reasons why the remaining ones were not included (A/HRC/27/55/Add.1, para. 93). Similarly, authorities in Tuscany, Italy, are required to answer proposals made regarding policies and explain why they are adopted or rejected.[17]

IV. Difficulties in ensuring participation

32. Ensuring participation poses a number of difficulties. The greatest efforts may be needed to ensure that all those concerned have the opportunity to influence decision-making and that existing power structures are addressed. But other challenges exist as well.

A. Complementing representative democracy with direct participation

33. Some argue that direct participation is unnecessary where structures for representative democracy exist. Decisions by elected representatives would already be regarded as legitimate, given the mandate conferred by the electorate. However, article 25 of the International Covenant on Civil and Political Rights provides both for the right to vote and the right to participate in public affairs. Periodic elections are a blunt instrument for achieving public participation, let alone for ensuring inclusion.[18] The realization of human rights is a dynamic process, and elections alone are not enough. Participatory processes complement representative democratic structures and allow for more direct influence by the public.

B. Continuous State support and oversight in the context of community management

34. The terms "user participation" and "community ownership" have been used in connection with the water and sanitation sector for decades. However, participation was thought of merely in terms of how it would affect project costs and outcomes. In practice, delegation to communities was seen to imply a sufficient degree of participation so that, by delegating, State authorities could withdraw and not exercise their obligations. While communities can play a role in service provision, States retain the obligation to ensure that services are adequate by providing support, regulation and oversight. Where services are decentralized, States must ensure that communities have adequate resources to fulfil their responsibilities.

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[15] Lundy, p. 933.

[16] Committee on the Rights of the Child, general comment No. 12 (2009), para. 45.

[17] Region of Tuscany Law No. 69/2007, *Norme sulla promozione della partecipazione alla elaborazione delle politiche regionali e locali*, art. 10.

[18] Fung and Wright, p. 5.

C. Balancing technical expertise and knowledge gained through experience

35. Some decisions require technical expertise. However, that is often used as a pretext for excluding people from participating in decision-making on issues presented as being "too complicated" for lay people to understand. Many decisions viewed as purely technical are in fact value choices, and the public must participate in making them. Experts still have a role to play, but that role is ideally one of facilitator, helping to synthesize and communicate expert knowledge and enabling people to take informed decisions.

36. Negative examples abound of the failure to achieve the appropriate balance between technical expertise and knowledge gained through experience. For example, there have been cases where providing communities with latrines using subsidies and a standard model design was expected to solve the rural sanitation problem. However, it emerged that the latrines were often not used, or were used as storage facilities or to house livestock. On the other hand, where modifications to water and sanitation facilities are needed to ensure accessibility by disabled persons, specialist knowledge plays a useful role by informing the process of analysing the strengths and weaknesses of each option so that people can make an informed choice in light of their particular needs.[19] Testimony can be extremely powerful and effective for bringing people's experiences to bear. "Poverty truth commissions" can lead to a useful inversion of power dynamics, with those who have become experts through experience testifying and those "in power" hearing the testimony.[20] The process ensures that people experiencing poverty are at the heart of developing solutions.

D. Factoring in the costs of participatory processes

37. Participatory processes cost money and take time. In addition to costs for the State and service providers, the time and opportunity costs for the people participating must not be overlooked. This is not an argument against encouraging participation, but it should serve as a reminder of the dilemmas involved. In order to justify the costs and avoid frustration, participation must be meaningful and actually influence decision-making.

38. From the perspective of Governments and service providers, the cost of undoing or redoing a project because of people's objections can be higher than the costs of participatory processes. The wastefulness of facilities that end up not being utilized demonstrates that investing in participatory processes is cost-effective. The cost of participation should be factored in from the beginning, not viewed as an external expense. In the *Olivia Road* case heard by the Constitutional Court of South Africa, the municipal government argued that given the large number of people in need it would be impractical and costly to expect meaningful engagement. The Court disagreed, stating that the city of Johannesburg should have taken the

[19] See examples in Hazel Jones and Bob Reed, *Water and Sanitation for Disabled People and Other Vulnerable Groups: Designing Services to Improve Accessibility* (Longborough, United Kingdom, Water, Engineering and Development Centre (WEDC), 2005).

[20] See, for example, in Scotland: www.faithincommunityscotland.org/poverty-truth-commission.

consequences of its policies into account when it drew up its strategy.[21] A joint programme by the United Nations Development Programme and the United Nations Children's Fund (UNICEF) on institutional development and water infrastructure in Bosnia and Herzegovina allocated a significant share of the budget to strengthening the inclusion of residents in participatory municipal water governance.[22]

E. Balancing competing interests

39. Ensuring participation and gathering everyone's views inevitably brings diverse and competing interests to the fore. For instance, the interests of property owners and occupiers might clash. Utility workers or small-scale service providers have interests that differ from those of water users. The framework for balancing competing interests is human rights and the law. Many tensions will be resolved by applying the legislative framework, as doing so would automatically rule out illegitimate interests.

40. The challenge is to balance a diversity of legitimate interests and to find solutions that, while perhaps not taking all competing views fully on board, are acceptable to everyone. The key actions in this regard are interaction, bringing all views to the table, having an open discussion, analysing the different interests and corresponding rights at stake, agreeing on a way forward and then monitoring progress on the agreed plan. Decisions must take all opinions into account, according due protection to minority concerns rather than simply adopting the majority view.

F. Ensuring inclusion

41. Participatory processes will not automatically include everyone. Assuming that they do would not only be naïve, but also carry the risk of entrenching inequalities. Men, majority ethnic groups, wealthier and more educated households, and people with higher social status tend to participate to a disproportionate degree. For instance, the Special Rapporteur raised concerns about the lack of opportunities for indigenous peoples in Canada to participate in decision-making on funding for water and sanitation.[23] Communities cannot be considered a coherent and integrated whole; rather, inherent hierarchies and entrenched patterns of inequalities must be acknowledged.

42. Inclusion must be deliberate. The first step is to identify those who are marginalized and the barriers they face. This requires deliberate efforts because a history of marginalization will often have resulted in making such groups invisible to policy makers. Processes to identify everyone concerned can be more successful by working together with a wide range of local NGOs and the national human rights institution as well as others who are in a position to identify the most marginalized, including people who tend not to join groups or associations.

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[21] Constitutional Court of South Africa, *Occupiers of 51 Olivia Road v. City of Johannesburg*, CCT 24/07, para. 19.

[22] www.mdgfund.org/program/securingaccesswaterthroughinstitutionaldevelopmentandinfrastructure.

[23] See https://spdb.ohchr.org/hrdb/24th/public_-_OL_Canada_14.05.13_(3.2013).pdf.

43. Efforts must enable effective participation. For example, a mode of engagement that relies on writing would marginalize the illiterate. Where approaches such as questionnaires are used, it is essential to recognize the risks of elite capture and counter it with other opportunities such as simple versions of a questionnaire and oral discussions. Even when they are able to take part in meetings, marginalized groups often exercise self-censorship, being intimidated either by the presence of others with "higher" status or formal procedures. One approach to avoid this is starting the process with more homogenous groups for discussing particular issues, e.g., groups of women or of young people, and then bring their input into the larger process. At the international level, the United Nations Environment Programme engages with "major groups" rather than civil society as a whole, including children and youth, farmers, indigenous peoples, women, and workers and trade unions.[24]

44. Another approach is having an explicit discussion on the rules for deliberation, accompanied by a conscious attempt to draw out the voices of marginalized individuals. Otherwise, the process can easily default to existing patterns and hierarchies, with their attendant unacknowledged communication protocols. Two different approaches demonstrate this. Villagers serving on health watch committees in Bangladesh were inducted through a series of workshops, at which they agreed on the rules of deliberation (when and how to speak, addressing every member with respect, etc.). The minutes of meetings of the health watch committees show evidence of genuine balanced deliberations, whereas a similar initiative, where no rules on deliberation were agreed, was dominated by the voices of medical professionals and members with higher social status.[25]

45. An assessment of barriers must address all types of obstacles: physical, economic, institutional, attitudinal and social. Physical barriers affect persons with disabilities, but they also relate to decisions on meeting times and childcare. Social barriers include prejudices and stereotypes. Gender norms and stereotypes play a significant role in determining what degree of control men and women exercise. In many instances, social norms legitimize women's exclusion from decision-making. Social norms explain, for instance, why authorities fail to take seriously reports of women being subjected to indignities and risks of sexual violence when accessing sanitation facilities outside their home.[26] As the Special Rapporteur has noted elsewhere, taboos around menstruation, combined with inadequate access to water and sanitation, explain why a significant number of girls consistently lose a week of schooling each month (A/HRC/21/42, para. 22). Without a deliberate effort to draw out their own analysis and ideas, solutions will often fail to address women's and girls' needs.

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[24] www.unep.org/civil-society.

[25] Simeen Mahmoud, "Spaces for participation in health systems in rural Bangladesh: the experience of stakeholder community groups", in *Spaces for Change? The Politics of Citizen Participation in New Democratic Arenas*, Andrea Cornwall and Vera Schattan Coelho, eds. (London, Zed, 2007), p. 65.

[26] See Shirley Lennon, Fear and Anger: Perceptions of risks related to sexual violence against women linked to water and sanitation in Delhi, India (Sanitation and Hygiene Applied Research for Equity (SHARE), 2011), p. 3; Global Justice Clinic/Center for Human Rights and Global Justice, *Yon Je Louvri: Reducing Vulnerability to Sexual Violence in Haiti's IDP Camps* (New York, New York University School of Law, 2012), pp. 54-55.

46. With regard to water management, principle No. 3 of the Dublin Statement on Water and Sustainable Development, adopted by the International Conference on Water and the Environment in 1992, acknowledges that "[w]omen play a central part in the provision, management and safeguarding of water.... [I]mplementation of this principle requires positive policies ... to equip and empower women to participate at all levels in water resources programmes, including decision-making and implementation".[27] While women's participation is essential, care must be taken to avoid reinforcing existing stereotypes about women and girls being solely responsible for water management, which in many instances implies water collection.

47. Children are among those most often excluded from participatory processes, and it must not be assumed that adults will automatically represent their views. It is essential to create the space and allow sufficient time for child-led processes, including to identify issues that are of concern to them, as well as collaborative environments for adults and children.

48. Deliberate inclusion is even more crucial in circumstances where marginalization is based on stigma, which "legitimizes" exclusion by making it socially "justifiable" (ibid., para. 78). Where necessary and appropriate, participatory processes should include a "safe space" where social norms can be openly discussed and brought to the surface. Concerned individuals and groups can deliberate on what action to take and whom to involve among public and private institutions. For individuals and groups who have been marginalized, it is particularly important to have assurances that their participation counts and that voice will translate into influence.

G. Balancing direct participation and representation of groups

49. Direct participation poses challenges in terms of processing and responding to the variety of inputs. Channelling participation through representatives other than democratically elected officials is seen as a solution to making participation manageable, but it poses difficult questions and runs the risk of creating and reinforcing exclusions. People hold rights as individuals and have varied and often conflicting views and interests, which makes it difficult for anyone to represent anyone else. The Convention on the Rights of Persons with Disabilities, for instance, stresses that persons with disabilities must be enabled to participate, not only organizations working on their behalf (arts. 29, 33 (3)). However, there is a need to facilitate participatory processes and come to decisions that reflect everyone's interest to the largest extent possible.

50. Stakeholder participation has been used extensively in an attempt to address such challenges. Organized groups viewed as representing the interests of concerned people are invited. People do not engage with policymakers directly, but through collective entities "representing" them: NGOs, neighbourhood associations or community-based groups. In some instances, stakeholder participation has been limited to a few well-established NGOs, raising doubts about whether their involvement amounts to genuinely inclusive participation. Moreover, "stakeholders"

[27] www.wmo.int/pages/prog/hwrp/documents/english/icwedece.html.

do not necessarily represent individuals and their interests, but can also include companies, donors and other actors, rather than rights holders as such.

51. Stakeholder participation can enhance or detract from meaningful participation depending on a range of factors, including:

(a) Accurate, sensitive and transparent identification, so that the invited groups are in fact representative of those most concerned. When selection is appropriate, stakeholder participation has an advantage over an "unaffiliated" approach. It can be employed to ensure targeted participation by all concerned, including marginalized groups whose interests are likely to be overlooked in the pursuit of the common interest;

(b) The degree to which the collective entity is indeed representative of the interests of those it claims to represent;

(c) Stakeholder participation must be supplemented by a deliberate effort to identify concerned people who may not be reached through this method and to devise a way to fill the gap. Examples include extremely poor people, who are not likely to join associations, or stigmatized persons.

52. Another approach to balancing direct participation with group representation would be to elect representatives inside the process only once it has started rather than before. Other approaches that have been used include random selection, which has the advantage of avoiding biases in selection and getting different perspectives.[28]

53. The Royal Commission on the Future of Health Care in Canada (Romanow Commission), set up by the Government of Canada in 2001, used the citizens dialogue methodology. Deliberative forums brought together statistically representative groups of "unaffiliated citizens", with instructions to "speak for themselves, not as representatives of special interests".[29] The initiative was acclaimed as an exercise in extensive public consultation; however, it has been criticized for having inadequately addressed aboriginal health care. Although some participants were aboriginal, the structure of the process made no deliberate effort to overcome dynamics of marginalization and encourage their participation.[30]

54. The examples show that regardless of the approaches used, the greatest challenges consistently relate to ensuring inclusion. There is always the danger of elite capture, of only listening to the established and more powerful voices. Therefore, what is most crucial are deliberate efforts to guarantee inclusion.

V. Participation at all levels of decision-making

[28] Yves Sintomer, Carsten Herzberg and Anja Röcke, "From Porto Alegre to Europe: potential and limitations of participatory budgeting", *International Journal of Urban and Regional Research*, vol. 32, No. 1 (2008), p. 173.

[29] Judith Maxwell, Karen Jackson and Barbara Legowski, *Report on Citizens' Dialogue on the Future of Health Care in Canada*, Commission on the Future of Health Care in Canada, 2002, p. 94. Available from http://www.cprn.org/documents/12704_en.PDF.

[30] See Bettina von Lieres and David Kahane, "Inclusion and representation in democratic deliberations: lessons from Canada's Romanow Commission", in Cornwall and Coelho, p. 133.

55. The focus of participation has often been on decision-making at the local and even the project level. For instance, principle No. 2 of the Dublin Statement stresses that a participatory approach "means that decisions are taken at the lowest appropriate level, with full public consultation and involvement of users in the planning and implementation of water projects".

56. Many decisions can be taken at the local level; this has the advantage of being close to the people concerned. However, participation must not be limited to local decisions. People must have the opportunity to participate wherever decisions are taken. In some instances, people have invested time and energy in processes at the local level, but the decisions taken are not acted upon and cannot be implemented as local bodies lack the power to do so, in particular where institutional decentralization is not matched by fiscal devolution. Broader power structures often constrain the scope of decision-making at the local level. In such instances, not only are people's expectations frustrated, but participation cannot be considered meaningful.

57. Many far-reaching decisions shaping the overall direction of policies and priorities are taken at the national level. In other words, people must not only have the opportunity to decide on the location of a borehole or latrine, but also on the priorities set by the Government, the distribution and redistribution of resources and the strategic decisions on legislative and policy frameworks. Decisions are also taken at the international level, and some international processes have far-reaching implications and may influence priorities at the national level for years and decades. For instance, in the process of discussing the post-2015 sustainable development agenda, international organizations sought to create spaces for voicing ideas, proposals and concerns.[31] However, the questions remain whether these voices translate into influence on actual decision-making on future development goals at the political level and whether such participation can be considered meaningful.

A. Planning and formulation of policy and legal frameworks

58. Participation must be ensured in the formulation of legislation and policies. For instance, in Uruguay, the inclusion of the right to water and sanitation in the Constitution (art. 47) was achieved through a referendum. At the same time, legislation and policies are useful instruments for recognizing the right to participate and spelling out the requirements for participation. Many countries include in their constitutions the right to participation or enshrine participation as a principle. For instance, the Constitution of Uganda guarantees the right to participate "in the affairs of government" (art. 38 (1)). In the European Union, the acknowledgement of citizen initiatives in the Treaty of Lisbon furthers the growing significance of participation.[32]

59. The legal and policy frameworks need to be as detailed as possible in setting out the institutions and procedures that will enable participation. Unless this is done, the right to participation can remain intangible. For instance, although South Africa's National Water Act contains robust provisions on public engagement in

[31] See, for example, www.worldwewant2015.org.

[32] Consolidated versions of the Treaty on European Union and the Treaty on the functioning of the European Union, document 6655/08, 2008, arts. 10 and 11.

integrated water resource management, it was only after detailed guidelines were issued regarding the development of catchment management strategies that officials began to seek participation.[33]

60. Participation at the national level inevitably presents challenges of scale. Care must be taken to ensure the representativeness of the entities involved, and measures must be taken to focus on the participation of groups and individuals whose interests tend to be overlooked. The Constitutional Court of South Africa developed the concept of "meaningful engagement" in the *Olivia Road*[34] case, holding that people have a right to participate in decisions affecting the enjoyment of social rights, including in developing plans of action. While courts cannot implement participatory processes, they may act as an important trigger in institutionalizing structures for engagement.[35]

61. In Brazil, the Government undertook a broad-based participatory process in developing its national water and sanitation plan. It included workshops and consultations, with additional participation through the national policy councils responsible for cities, water resources and environment as well as through the Internet. Some components of the process involved technical discussions, whereas other components used simplified language (see A/HRC/27/55/Add.1).

B. Financing and budgeting

62. Participation in decisions on financing and budgeting is extremely important. If people are not involved in decisions on the allocation of resources, then legislation and policies, however well designed, may not translate into prioritization. However, public participation, or even information, in the area of finance is the exception rather than the rule.

63. Participation involves determining which and how strategies and programmes are funded, how the Government can raise revenue, how existing funding can be restructured and what alternative solutions should be sought. For example, in Milton Keynes, in the United Kingdom of Great Britain and Northern Ireland, a referendum was held resulting in an agreement to higher council taxes for improved service provision.[36] Service providers should also engage residents in designing the mode of payment. The residents of Kayole-Soweto, Kenya, negotiated a social connection policy with Nairobi Water, enabling them to spread out their payment of the connection fee over two years.[37]

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[33] Derick du Toit and Sharon Pollard, "Updating public participation in IWRM [Integrated Water Resource Management]: a proposal for a focused and structured engagement with catchment management strategies", *Water SA*, vol. 34, No. 6 (2008).

[34] *Occupiers of 51 Olivia Road v. City of Johannesburg*, CCT 24/07, para. 35.

[35] Brian Ray, "Proceduralisation's triumph and engagement's promise in socio-economic rights litigation", *South African Journal on Human Rights*, vol. 27, No. 1 (2011), p. 107.

[36] Lawrence Pratchett, ed., "Introduction: defining democracy renewal", in *Renewing Local Democracy? The Modernisation Agenda in British Local Government* (Taylor and Francis, 2000), p. 10.

[37] Celestine N. Musembi, "Watered down: gender and the human right to water and sanitation in Mathare, Nairobi", in *Water is Life: Women's Human Rights in National and Local Water Governance in Southern and Eastern Africa*, Anne Hellum and Patricia Kameri-Mbote, eds. (forthcoming, 2014).

64. The most robust example of participation in budgeting is participatory budgeting, a process that gives individuals the right to actually allocate resources.[38] One of the best-known examples is Porto Alegre, Brazil.[39] Delegates elected from the various areas of the city form a participatory budgeting council that formulates and approves the city's budget. The input is informed by forums held in the various areas. The council has the power to call the city officials to account for the previous year's expenditure, and planned expenditure is only approved if the council is satisfied with the accounts.

65. Even where participatory budgeting has not been adopted, some principles must be applied to enable the public to play a role in decisions on raising revenue and allocating resources. Information on the budget and financing processes must be made accessible. There must be public deliberation on any trade-offs between the different options from which the Government must choose; what residents identify as priorities is sometimes dissociated from the action that service providers and/or Governments take. During her visit to Brazil, the Special Rapporteur encountered an example. Residents of the Complexo do Alemão in Rio de Janeiro identified water and sanitation as their priority. However, the Government prioritized the construction of a cable car in the settlement (A/HRC/27/55/Add.1, para. 95). Meaningful participation would demand that residents' views be given due weight and that their priorities not be dismissed.

66. An essential part of the budget cycle is determining whether allocations are spent as planned. Civil society can play a role in facilitating people's engagement in budget monitoring. WaterAid Nepal, for instance, has developed materials for assisting communities to monitor the Government's budgetary allocations to the water and sanitation sector.[40] Another tool used to monitor government expenditure is the public expenditure tracking survey, a process through which residents can follow the flow of public funds. For instance, in the United Republic of Tanzania, communities use such tracking to monitor government spending of funds allocated for water and sanitation. They request explanations from the relevant authorities, which result in greater responsiveness and accountability. The methodology has received the support of the Government, which has promulgated a series of national guidelines for the process.[41]

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[38] Yves Sintomer, Carsten Herzberg and Giovanni Allegretti, Participatory Budgeting Worldwide: Updated Version Dialog Global, No. 25, 10 (Bonn, Service Agency Communities in One World, 2013).

[39] Zander Navarro, "Participatory budgeting in Porto Alegre, Brazil", in *Citizens in Charge: Managing Local Budgets in East Asia and Latin America*, Isabel Licha, ed. (Washington, D.C., Inter-American Development Bank, 2004), pp. 247-291.

[40] Catarina de Albuquerque and Virginia Roaf, *On the Right Track: Good Practices in Realizing the Rights to Water and Sanitation* (Lisbon, 2012), p. 187.

[41] Ibid., pp. 187-188.

C. Service provision

67. Participation in the context of service provision relates to a range of decisions, including on the type, location and improvement of services and whether and how to involve the private sector. Lessons can also be drawn from community-led total sanitation.[42] Finally, emergencies require special attention.

1. Decisions on type and improvement of services

68. The people concerned must be involved in decisions on what kind of service to provide. They may be decisions on whether to supply water through standpipes or water kiosks, where to situate latrines and how to maintain them. Inclusiveness in this process is crucial so that services are designed to respond to the interests and requirements of marginalized individuals as well as "the average person". The design of service provision must be based on a sound understanding of the local context. Solutions should build on existing norms and practices to the extent that these are consistent with human rights. However, local rules and customs must not be idealized, but carefully scrutinized for their adherence to human rights standards, in particular non-discrimination and equality, to ensure that existing patterns of marginalization are not reinforced.

69. In the *Beja* case, a South African court dealt with an agreement between the local government and the community regarding decisions on the design of toilets. The court held that such agreements must satisfy certain minimum requirements, including consultation with authorized representatives following the sharing of information and technical support, where necessary.[43] The court found that these requirements had not been met. It also voiced concern that "a majority within a community [cannot] approve arrangements in terms of which the fundamental rights of a vulnerable minority within that community will be violated".[44] It found a denial of effective community participation in decision-making.[45]

70. Initiatives taken by residents can also have a significant impact on the improvement of services and sanitary conditions. For instance, Rialto Rights in Action has been campaigning in Dublin for improvement of the conditions in Dolphin House, a large public housing complex. The campaign seeks to empower people to claim their right to housing. Residents gathered evidence of wastewater invasion through toilets and baths and mould. They developed indicators based on human rights that are monitored regularly, including sewage invasion and dampness; records were kept of responses received from the Dublin City Council and on instances of inclusion of residents in decision-making. Residents successfully engaged with the media and, following public pressure, by 2013 the city had refurbished 40 of the worst-affected housing units. While progress has not been as quick as initially agreed, a regeneration plan is in progress.[46]

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[42] www.communityledtotalsanitation.org.

[43] Western Cape High Court of South Africa, Cape Town, *Beja and others v. Premier of the Western Cape* (21332/10), judgement of 29 April 2011, para. 98.

[44] Ibid., para. 99.

[45] ibid., para. 146.

[46] Rory Hearne and Padraic Kenna, "Using the human rights based approach to tackle housing deprivation in an Irish urban housing estate", *Journal of Human Rights Practice*, vol. 6, No. 1 (March 2014), pp. 1-25.

2. Private sector participation

71. The public must participate in decisions on whether to delegate service provision to private entities. In many countries, the decision to involve the private sector as part of reforms required by international financial institutions or in the context of austerity measures was not publicly debated. Even in times of economic crisis, the Government must ensure the broadest possible participation. International financial institutions should not make private sector participation a conditionality, thereby pre-empting public involvement in decision-making. In a communication with the Government of Portugal, the Special Rapporteur raised concerns about the lack of meaningful participation and of information on contractual agreements in processes to promote private sector participation (A/HRC/25/74, p. 27).

72. Transparency and participation must be safeguarded in tendering, bidding, negotiating contracts, deciding on the rate model and on the extension of services. The terms of reference and the draft contract should be made available for public scrutiny and comment. The State can protect the right to participation through contractual arrangements with non-State service providers and through its regulatory role.

73. In Berlin, a coalition of concerned individuals and civil society groups initiated a referendum that succeeded in making the contracts relating to a public-private partnership for provision of water services in 1999 available for public scrutiny, though only years after the city entered into the contract.[47]

3. Disconnection of services

74. The Committee on Economic, Social and Cultural Rights, in its general comment No. 15 (2002) on the right to water, states that before any services are disconnected, certain conditions must be met, inter alia: (a) genuine consultation with those affected (including ascertaining ability to pay); (b) timely and full disclosure of information; and (c) reasonable notice (para. 56).

75. Some countries' water laws reflect such requirements. The South African Water Services Act requires that disconnections must be preceded by notice and the persons concerned provided with the reasons for the action, and informed of their right of appeal (sects. 11 (4) and 4 (3)). The courts have reversed some disconnections because the process had not been fair.[48]

4. Community-led total sanitation

76. A positive lesson in people's agency can be learned from community-led total sanitation, which relies on a community's capacity for collective action to end open defecation. The approach challenges the dominance of "expert" solutions and subsidies, focusing instead on reflection and behaviour change through mobilization. It looks beyond the individual to create open defecation-free communities. Facilitators engage the community in analysing the implications of open defecation on health, dignity and women's security. The process usually

[47] De Albuquerque and Roaf, p. 163.

[48] For example, High Court of South Africa, *Residents of Bon Vista Mansions v. Southern Metropolitan Local Council*, case No. 01/12312, 2002.

succeeds in making clear that unless the entire community uses latrines, everyone is affected.[49]

5. Emergencies

77. Responding to emergencies poses particular challenges for participation. There is often a concern that States and humanitarian actors need to be able to act quickly and that participatory processes would slow down responses. However, many decisions on disaster response are taken beforehand, and participation is essential at the planning stage. Moreover, in many instances emergency responses develop into more long-term programmes. In relation to menstrual hygiene management during an emergency, for instance, a solution might be to include a standard response for distributing sanitary kits to make sure that immediate needs are met on the basis of cultural preferences as far as they are known, or assumed. This response should be monitored subsequently to assess whether it meets women's and girls' needs, and then adjusted accordingly.[50] The need for a rapid response should not be used as an excuse to pre-empt participation. What is needed instead, in particular given the wide range of actors involved in this context, is a broader discussion on how participation can be ensured in cases of emergencies and provision of humanitarian assistance through participatory planning in advance, as well as in monitoring and adjusting emergency responses. The standards contained in The Sphere Handbook recognize that participation by people affected by disaster is integral to humanitarian response.[51]

D. Projects that may threaten the realization of human rights

78. Meaningful participation must be ensured in any situation where people's access to water or sanitation is (potentially) affected by a project. Mining, for instance, can have serious consequences on both water quantity and quality that can extend across generations (see, for example, A/HRC/24/41, para. 15). Such situations are often marked by an atmosphere of mistrust and power imbalances. Environmental and social impact assessments are needed not only to assess the impact of a project, including on human rights, but are also invaluable for the community to gain clarity. Ideally, impact assessments should be undertaken collaboratively with the community. At a minimum, there must be full disclosure of the findings.

79. A case in India concerning the renewal of a mining lease affirmed the right to participation.[52] The court held that, even though the required information was not made available in time for the public hearing, the relevant authority was required to provide the reasons for the decision to renew the lease. It emphasized that the purpose of the legal requirements was to make public hearings meaningful,

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[49] Kamal Kar and Robert Chambers, *Handbook on Community-Led Total Sanitation* (Plan UK and Institute of Development, 2008), p. 9.

[50] Marni Sommer, "Menstrual hygiene management in humanitarian emergencies: gaps and recommendations", *Waterlines*, vol. 31, Nos. 1 and 2 (January 2012), pp. 83 and 96.

[51] The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response* (The Sphere Handbook), 2011, p. 53.

[52] High Court of Delhi at New Delhi, Writ petition (civil) No. 9340/2009 and CM APPL. Nos. 7127/09, 12496/2009, judgement of 26 November 2009.

including full information on the advantages and disadvantages of the project and its likely impact.

E. Monitoring, evaluation and accountability

80. People must be involved in monitoring and evaluation and, ideally, in designing the relevant framework. Where States, donors, NGOs or other external actors undertake monitoring and evaluation without involving the people concerned, the findings — too often treated as confidential — should be made available.

81. Participatory approaches to monitoring and evaluation are gaining ground. Participatory monitoring and evaluation differs from conventional approaches in that local people take charge of the process.[53] The participants themselves design the methodology, define the indicators, collect and analyse the data and decide how it should inform action.

82. One approach to participation in this area is participatory geographic information systems, which rely on maps. They merge technical spatial information with a local community's location-specific knowledge, often producing rich data including on land use, water sources, differentiated access to resources and sites of actual or potential environmental hazards.[54] For instance, OpenStreetMap[55] initiatives in informal settlements in Nairobi have generated detailed data,[56] indicating how many households share a toilet, whether there are gender-specific toilets, whether the toilets have disability access and whether the toilets provide sanitary bins for women. Such data provide a powerful tool for monitoring trends and patterns of neglect or underinvestment. They can also provide a baseline, which becomes useful in monitoring the environmental impact of extractive industries, for instance, leading to demands for remedial action. Communities have also used self-enumeration, popularized by Shack/Slum Dwellers International, to collect data.[57] It has been an effective tool for countering the view that it is impossible to plan for service provision in informal settlements because of a lack of reliable data.

83. More broadly, social accountability mechanisms refer to mechanisms through which residents or civil society hold State officials or service providers to account. Social accountability has the power to increase the pressure on officials to explain and justify their decisions; fear of damage to one's reputation can sometimes be a stronger deterrent or incentive than legal proceedings. The Equitable Access Score-Card[58] developed by ECE and the World Health Organization (WHO) offers a tool

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[53] Marisol Estrella and John Gaventa, *Who Counts Reality? Participatory Monitoring and Evaluation: A Literature Review*, Institute of Development Studies (IDS) Working Paper No. 70, 1998, p. 16.

[54] Giacomo Rambaldi, "Participatory 3-dimensional modelling for policy change and planning: the practice and the potential", in *Who Counts? The Power of Participatory Statistics*, Jeremy Holland, ed. (Practical Action, 2013), pp. 1-224.

[55] www.openstreetmap.org.

[56] See the Map-Mathare and Map-Kibera initiatives, available from www.jambonewspot.com/in-kenya-using-tech-to-put-an-invisible-mathare-slum-on-the-map; http://matharesiokenya.wordpress.com/category/map-mathare-2/; http://mapkibera.org/work/locations. See also www.majidata.go.ke.

[57] See www.sdinet.org/method-community-planning.

[58] UNECE and WHO/Europe, The Equitable Access Score-Card: supporting policy processes to achieve the human right to water and sanitation (ECE/MP.WH/8), 2013, p. 9.

that can help Governments and other stakeholders establish a baseline, discuss actions to be taken and evaluate progress through self-assessment. This process, as shown by the experiences of France, Portugal and Ukraine, can enable an objective debate and generate input for policy processes.

84. Some initiatives involve partnerships between communities, service providers and the Government. Examples include service charters developed jointly between water user associations and service providers.[59] These charters spell out the obligations of each party and become the basis for monitoring the quality of services: whether water supply is regular, whether water charges remain affordable, whether sanitation service providers are maintaining the agreed level of cleanliness,[60] and whether service has gradually been expanded to underserved areas.

85. For social accountability mechanisms to work, people must be able to access the relevant information, whether from Government or service providers. The linkage with formal accountability mechanisms such as regulators, ombudspersons and judicial review strengthens social accountability. For instance, the national human rights commissions in Colombia, Ecuador and Peru play an active role in monitoring the relevant government bodies and service providers to ensure that water and sanitation services are delivered in a non-discriminatory manner.[61] This role could be made more participatory by linking it up with social accountability initiatives.

86. In addition to participation in accountability, there must also be accountability for ensuring participation. Courts and other mechanisms play an important role in ensuring accountability in cases of failure to ensure active, free and meaningful participation, i.e., when the right to participation itself has been violated. As evidenced by the case law referenced in the present report, courts play an important role in demanding compliance with States' obligations to ensure participation.

VI. Conclusion and recommendations

87. **Participation is a human right and States have corresponding obligations to ensure participation. Participation is essential for democracy and people's autonomy, agency and dignity. Yet, the human right to participation has not yet received the necessary attention and implementation has lagged. While there are excellent practices that ensure participation, these appear to be isolated rather than institutionalized. Participation is not a one-off exercise, but a continuous process that must be embedded in the political culture.**

88. **In many instances only token attention has been paid to participation. All too often, only the well off and powerful, as determined by gender, ethnicity, income and other factors, "participate" in decision-making, to the exclusion of**

[59] See, for example, Water and Sanitation for the Urban Poor (WSUP), "Getting communities engaged in water and sanitation projects: participatory design and consumer feedback", WSUP Topic Brief No. 007, February 2013.

[60] See, for example, Neil Overy, The Social Justice Coalition and Access to Basic Sanitation in Informal Settlements in Cape Town, South Africa, International Budget Partnership, Study No. 11, 2013.

[61] De Albuquerque and Roaf, p. 182.

marginalized members of society. The greatest challenge may lie in ensuring participation on the basis of equality. When participatory processes do not unveil and address entrenched power structures and marginalization, they carry the risk of being manipulative and of reinforcing and "legitimizing" inequalities. Equality and non-discrimination demand structural transformation to remove barriers to meaningful participation for all. They also require deliberation and redistributive action to remedy past patterns of resource allocation that have reinforced marginalization.

89. The human rights framework stresses that participation is not just "useful" or a "good idea"; it gives rise to obligations that States have to comply with. The human rights principle of accountability is indispensable in ensuring that decision makers actually take the action necessary to translate voice into influence. As such, participation is an antidote to corruption, exposing maladministration and vested interests. Public officials are answerable and accountable to the public, including on how public input is taken into account in decision-making. There are consequences for failure to fulfil obligations that can ultimately be enforced in court.

90. In line with the above, the Special Rapporteur offers the following conclusions and recommendations.

91. States must take the following measures:

(a) States must take measures to institutionalize participation, including by:

(i) Considering recognizing the right to participation in national constitutions;

(ii) Spelling out the instruments, processes, responsible institutions and other details of participatory processes in legislation and policies;

(iii) Incorporating the costs of participatory processes in the initial design of any measures;

(iv) Equipping institutions to facilitate participatory processes and training officials in the interpersonal skills needed for participatory engagement;

(v) Balancing technical expertise with knowledge gained through experience, encouraging technical experts to act as facilitators and to enable people to make informed choices;

(b) States must take concrete and deliberate measures to ensure that participatory processes are inclusive and do not inadvertently further entrench inequalities, including by:

(i) Identifying groups that are typically marginalized;

(ii) Using a wide variety of methods and channels to reach different groups;

(iii) Eliminating institutional, physical, economic, attitudinal, social or other barriers that specific groups may face;

(iv) Addressing gender stereotypes;

(v) **Creating safe spaces for deliberation, where appropriate;**

(c) **To ensure active, free and meaningful participation, States must ensure that the following elements are in place:**

(i) **Involving people in setting out the terms of the engagement;**

(ii) **Creating space for participation;**

(iii) **Enabling people to access participatory processes;**

(iv) **Guaranteeing free and safe participation;**

(v) **Ensuring access to information;**

(vi) **Providing reasonable opportunities to influence decision-making and feedback on what proposals have been taken into account and what proposals have been rejected, and why;**

(d) **States must ensure participation at all levels of decision-making, including strategic decisions on the overall direction of legislation and policies, priorities in the use of resources and questions of distribution and redistribution. This includes:**

(i) **Planning and formulation of policy and legal frameworks;**

(ii) **Financing and budgeting;**

(iii) **Service provision, including decisions on the type, location and improvement of services, whether and how to involve the private sector, and decisions on disconnections and on services in emergency situations. The Special Rapporteur particularly encourages a broader discussion among all relevant actors on participation in the context of emergencies;**

(iv) **Projects that may threaten the realization of human rights and impact assessments carried out in that context;**

(v) **Monitoring, evaluation and accountability;**

(e) **States must ensure access to justice where the human right to participation has been violated.**

92. **Further, States and other stakeholders should take the following measures:**

(a) **States should ratify international and regional instruments that guarantee the human right to participation, as well as the respective complaint mechanisms. In processes before international mechanisms, States should encourage civil society participation to make these processes meaningful;**

(b) **United Nations treaty bodies, the special procedures of the Human Rights Council, other international mechanisms and regional mechanisms should pay increasing attention to the right to participation. The Special Rapporteur sees a need for standard-setting on the right to participation, e.g., through the elaboration of general comments on the right to participation in the context of civil, cultural, economic, political and social rights. She also encourages the Human Rights Council to address participation;**

(c) **Civil society organizations, national human rights institutions, community-based organizations and others should contribute to promoting active, free and meaningful participation of all people concerned and support people to participate in decision-making processes;**

(d) **International organizations and multilateral and bilateral donors should support participatory processes at the national level. They should not impose conditionalities that circumvent participatory processes at the national level. Where appropriate, they should consider adjustments to programming and project structures, recognizing that participatory processes and achieving long-term sustainable results require time.**

United Nations A/69/214

General Assembly

Distr.: General
31 July 2014

Original: English

Sixty-ninth session
Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

International Convention for the Protection of All Persons from Enforced Disappearance

Report of the Secretary-General

Summary

In its resolution 68/166, the General Assembly requested the Secretary-General to submit to it at its sixty-ninth session a report on the status of the International Convention for the Protection of All Persons from Enforced Disappearance and the implementation of the resolution. The present report is submitted in accordance with that request.

In a note verbale dated 11 April 2014, the Secretary-General invited Governments to transmit any information pertaining to the implementation of resolution 68/166. Replies have been received from the Governments of Bosnia and Herzegovina, Burkina Faso, Chile, Cuba, Greece, Guatemala, Iraq, Ireland, Lebanon, Lithuania, Morocco, Panama, Serbia, Slovakia, Slovenia and Switzerland. Their responses are summarized in the present report.

The present report also includes information on the activities carried out in relation to the implementation of the resolution by the Secretary-General, the United Nations High Commissioner for Human Rights and her Office, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and intergovernmental and non-governmental organizations.

* A/69/150.

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I. Introduction

1. In its resolution 68/166, on the International Convention for the Protection of All Persons from Enforced Disappearance, the General Assembly requested the Secretary-General to submit to it, at its sixty-ninth session, a report on the status of the Convention and the implementation of the resolution. The present report is submitted in accordance with that request.

2. On 11 April 2014, the Secretary-General invited Member States to transmit relevant information pertaining to the implementation of the resolution. As at 25 July 2014, replies were received from the Governments of Bosnia and Herzegovina, Burkina Faso, Chile, Cuba, Greece, Guatemala, Iraq, Ireland, Lebanon, Lithuania, Morocco, Panama, Serbia, Slovakia, Slovenia and Switzerland. The Secretary-General also sent requests for information on the implementation of the resolution to specialized agencies, United Nations funds and programmes, and civil society organizations. The Secretary-General received submissions from the Organization for Security and Cooperation in Europe (OSCE), the International Coalition against Enforced Disappearances, Amnesty International and TRIAL (Swiss Association against Impunity). Their responses are summarized in the present report.

II. Status of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance

3. As at 25 July 2014, 93 States have signed and 43 have ratified or acceded to the Convention; 17 States have recognized the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the State party of provisions of the Convention (article 31); and 18 States have recognized the competence of the Committee to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under the Convention (article 32). Updated information on the status of ratification of the Convention may be found in the annex to the present report.

III. Replies received from States

4. Summaries of the replies of States relating to the implementation of resolution 68/166 are provided below.

Bosnia and Herzegovina

5. The Convention entered into force for Bosnia and Herzegovina on 29 April 2012 and the State party has recognized the competence of the Committee under articles 31 and 32. An interdepartmental working group comprising representatives of relevant Ministries and institutions is in the process of preparing its report to the Committee, in accordance with article 29 of the Convention. The State party acknowledges the support of the International Committee of the Red Cross in Bosnia and Herzegovina in the preparation of the report.

Burkina Faso

6. Burkina Faso ratified the Convention on 23 July 2009, translating the will of Burkina Faso to prevent and repress the crime of enforced disappearance and to reinforce existing laws and regulations in the area of human rights. Burkina Faso has not recognized the competence of the Committee under articles 31 and 32; however, Burkina Faso might, in the future, consider doing so after appropriate consultation. Burkina Faso notes in its response that neither the Secretary-General nor the High Commissioner for Human Rights has provided assistance at the time of ratification. Further, given that Burkina Faso is not confronted by any problems in relation to interpreting the Convention, it has not sought any assistance in this regard. However, assistance in relation to implementation is necessary. For this reason, Burkina Faso requested and obtained financial assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for West Africa for validation of the initial report under the Convention.

Chile

7. The Convention entered into force for Chile on 23 December 2010 and Chile has recognized the competence of the Committee in relation to articles 31 and 32. Chile is currently preparing its report under article 29 of the Convention. In keeping with its open invitation to all special procedures of the Human Rights Council, Chile welcomed the first visit of the Working Group on Enforced or Involuntary Disappearances in August 2012. The report on the visit was submitted to the Human Rights Council at its twenty-second session (see A/HRC/22/45/Add.1).

Cuba

8. Cuba has been a State party to the Convention since 2 February 2009. It continually evaluates the possibility of accepting the procedures in articles 31 and 32 of the Convention, which Cuba observes are optional. Cuba has not requested or received any assistance from the Secretary-General, the High Commissioner for Human Rights or any organ of the United Nations, any intergovernmental or non-governmental organization or the Working Group on Enforced or Involuntary Disappearances in relation to enforced disappearances or any aspect of the application of the Convention, given that such assistance has not been necessary since the revolution of 1959.

9. Through its internal and external policies, Cuba indicates in its response that it puts into practice the respect for the physical and moral integrity of the individual, which allows it to ensure that there have been no cases of disappearances, torture, or secret detention with the exception of the illegally occupied United States naval base at Guantanamo Bay. Cuba notes that it has denounced the responsibility of the Government of the United States in relation to secret flights of prisoners in the war against terrorism, which has led to secret detention in the naval base at Guantanamo. Cuba reiterates that the arbitrary detention and torture by the Government of the United States in the illegally occupied naval base at Guantanamo continues against the will of the Cuban people and the Government of Cuba assumes no responsibility for any human rights violations that have taken place in that territory. Cuba is currently preparing its initial report to the Committee on Enforced Disappearances.

Greece

10. Greece reports that the legislative vetting of a draft law regarding the ratification of the Convention and the adaptation of national legislation to the provisions of the Convention has been completed. The draft law was, at the date of submission of the information, about to be submitted to the Parliament for discussion and eventual approval.

Guatemala

11. Guatemala refers to its submission to the previous report of the Secretary-General (A/68/210) and notes that there have been no developments since that submission.

Iraq

12. Iraq acceded to the Convention on 23 November 2010, in accordance with Law No. 17 of 2009. The Convention entered into force for Iraq on 23 December 2010. The Government has established a committee under the chairmanship of the Human Rights Ministry to prepare the initial report under article 29. The Committee comprises representatives of the Higher Judicial Council, of the General Secretariat of the Ministry Council, and other Ministries (Foreign Affairs, Justice, Health, Labour and Social Affairs, Defence, Interior and representatives of the Kurdistan region). The drafting process included consultation with other governmental institutions and several non-governmental organizations, and the report was sent to the General Secretariat of the Ministry Council for its approval and subsequent submission.

Ireland

13. Ireland signed the Convention in 2007. It is likely that legislation will be required before proceeding to ratification. Ireland is committed to ratification of the Convention as soon as competing legislative priorities permit. A number of legal and constitutional measures are already in place that protect persons against unlawful detention. Article 40.4.1 of the Constitution provides that no citizen shall be deprived of their liberty save in accordance with law. Section 15 of the Non-Fatal Offences Against the Person Act, 1997 provides for an offence of false imprisonment, which addresses circumstances where a person is taken or detained, or whose personal liberty is restricted by another person without the consent of the person involved. A person guilty of false imprisonment is liable to imprisonment for up to life. Consent is deemed to be absent where the person responsible obtains the other's consent by force or threat of force, or by deception causing the other to believe that he or she is under legal compulsion to consent. The Act also provides for a child abduction offence.

Lebanon

14. Lebanon responded that the Government is in the process of finalizing a project on the question of enforced disappearances, to which it will follow up as required.

Lithuania

15. The Parliament of Lithuania ratified the Convention with declarations on 23 April 2013. The Parliament amended the Criminal Code of Lithuania by adding article 100 on "Enforced disappearance". The article stipulates that if a person acting as an agent of the State or persons or groups of persons acting with the authorization, support or acquiescence of the State have detained, abducted or in any other form deprived of liberty of a person, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, shall be punished for imprisonment for a term of 3 up to 15 years. Article 95, paragraph 9, of the Criminal Code stipulates that the statute of limitations does not apply for crimes of enforced disappearance. According to data provided by the Police Department under the Ministry of the Interior, Lithuanian police offices have neither registered any criminal acts under article 100 of the Criminal Code nor have initiated or completed any pretrial investigations for such criminal acts. Parliament, acting pursuant to articles 31 and 32 of the Convention, declared that Lithuania recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications claiming that Lithuania has violated the provisions of the Convention. Lithuania has not addressed United Nations agencies and organizations, intergovernmental organizations, non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances for assistance in the understanding and implementation of the obligations under the Convention.

Morocco

16. Morocco signed the Convention on 6 February 2007 and ratified it on 14 May 2013. In June 2009, Morocco received a visit of the Working Group on Enforced or Involuntary Disappearances. Morocco continues to work for the prevention and condemnation of the crime of enforced disappearances. In this regard, Morocco adopted a new Constitution in 2011 which recognizes the primacy of ratified international treaties over national law. Article 23 of the Constitution expressly condemns enforced disappearances as a most serious crime and requires the most severe punishment of perpetrators of such a crime. The definition of the crime of enforced disappearance in the charter of the reform of the justice system as well as in the Penal Code conforms to the definition in the Convention.

17. The Government reaffirms its engagement with the Working Group on Enforced or Involuntary Disappearances on the basis of open, frank and constructive dialogue, which, since 1994, has led to the clarification of the majority of cases of enforced disappearance. Morocco's engagement with the Working Group has taken the form of meetings in Geneva between representatives of the Government and Working Group members, the visit of the Working Group mentioned above and the continuous and positive interaction between the Government and the Working

Group in relation to cases of enforced disappearance. In this context, Morocco has also collaborated closely with the International Committee of the Red Cross in relation to their efforts to investigate human rights violations from independence to 1999.

18. In relation to training of security forces, the Royal Police Force has introduced the training of personnel with a view to promoting respect for human rights. In addition, the Royal Police Force has taken all relevant regulatory measures in the framework of national legislation to ensure the application of the provisions of the Convention. Morocco is currently undertaking consultations with all relevant parties to examine the feasibility of accepting the Committee's competence under article 31.

Panama

19. Panama indicates that the Penal Code of 1982 and its amendment of 2007 recognize enforced and involuntary disappearances as a crime, incorporating the relevant elements of international instruments. Panama has also established through law the non-applicability of the statute of limitations for the prosecution of the crime of enforced disappearance. Further, Panama has created relevant institutions, such as the People's Advocate, the Ministerial Department of Human Rights and the Permanent Commission, to monitor human rights. Panama ratified the Convention through Law No 27 of 30 March 2011. In setting out the reasons for ratification, the Law states that the Convention is the first international instrument that defines and prohibits enforced disappearance as a violation of human rights. The Convention constitutes a means of preventing enforced disappearance and combatting impunity in this regard. It makes important advances also in the area of the rights of victims and in the application of the Convention through the Committee on Enforced Disappearances.

Serbia

20. Serbia ratified the Convention in April 2011 and it has recognized the Committee's competence under articles 31 and 32. Serbia has not sought any assistance from the Secretary-General or the High Commissioner for Human Rights during the process of ratification and has not received any assistance from the United Nations in relation to the application of the provisions of the Convention.

Slovakia

21. Slovakia signed the Convention on 26 September 2007 and the Government considered the proposal to ratify the Convention on 14 May 2014 and subsequently approved ratification of the Convention; including the acceptance of the competence of the Committee under articles 31 and 32. Before the ratification of the Convention, the Minister of Justice, the Minister of the Interior and the Prosecutor General undertook the legal analysis regarding the implementation of the Convention into the legal system of Slovakia. Following the legal analysis, the Criminal Code was amended and the new criminal offence of enforced disappearance was introduced into article 420(a) (the Amendment No. 262/2011 Coll. came into force on 1 September 2011). In addition, the Act 48/2002 Coll.

concerning the residence of foreigners and conditions for administrative deportations was abrogated and Parliament approved Act No 404/2011 Coll.

Slovenia

22. Slovenia signed the Convention on 26 September 2007 but does not plan to ratify the Convention in 2014.

Switzerland

23. Switzerland joins international efforts in the area of prevention and repression of enforced disappearances. Switzerland signed the Convention on 19 January 2011 and, on 29 November 2013, the Federal Council adopted a message concerning ratification of the Convention, which was transmitted to Parliament in the summer of 2014. The main objective of the Convention is in perfect harmony with the convictions of Switzerland. Its implementation requires some legal amendments specifically in relation to the explicit prohibition of the crime of enforced disappearance and the implementation of rights to information and remedy for individuals close to victims. The consultation process concerning the ratification of the Convention allowed civil society to have input into the future implementation of the Convention. In its message to Parliament, the Federal Council proposes that Switzerland recognize the competence of the Committee under articles 31 and 32. The recognition of these competences by the largest number of States, including Switzerland, contributes to the improvement of human rights all over the world.

IV. Activities of the Secretary-General and the United Nations High Commissioner for Human Rights

24. In paragraph 5 of resolution 68/166, the General Assembly requested the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States in becoming parties to the Convention, with a view to achieving universal adherence.

25. The International Convention for the Protection of All Persons from Enforced Disappearance has been highlighted during all treaty-related events organized by the United Nations in New York since 2007, to promote its accession, ratification and implementation. The Convention is also part of the treaty event for 2014.

26. In his 2014 report on missing persons (A/69/293), the Secretary-General referred to the Convention as a significant contribution and strongly encouraged States that had not yet become parties to the Convention to take the measures necessary to do so, to incorporate its provisions into domestic law and to ensure full implementation by relevant authorities.

27. OHCHR pursues its efforts to combat enforced disappearances and to achieve universal ratification of the Convention under the thematic priorities of "violence and insecurity" and "support for human rights mechanisms" as set out in its management plan for 2014-2017. Efforts focus on supporting States' actions to ratify the Convention and providing training and capacity-building to States and civil society, as well as raising awareness about the Convention.

28. The High Commissioner has undertaken some specific activities over the period July 2013 to June 2014. In July 2013, the High Commissioner, in paragraph 55 (b) of her report on the situation of human rights in Yemen (A/HRC/24/34), commended the Cabinet's decision to ratify the Convention and encouraged its swift adoption by Parliament.

29. In August 2013, the High Commissioner urged the Government of Sri Lanka to send a clear signal of its commitment to human rights by ratifying the Convention and by expeditiously inviting the Working Group on Enforced or Involuntary Disappearances to visit Sri Lanka (see A/HRC/24/CRP.3/Rev.1).

30. In September 2013, the High Commissioner, in paragraph 95 (i) of her report on the situation of human rights in the Central African Republic (A/HRC/24/59 and Corr.1), recommended that the Government ratify all pending international human rights treaties, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Optional Protocol thereto, and the International Convention for the Protection of All Persons from Enforced Disappearance.

31. From 18 to 20 November 2013, OHCHR, in cooperation with the International Organization of la Francophonie, held a training workshop in Tunisia on the Convention and its reporting procedures. Representatives of Burkina Faso, Gabon, Mauritania, Morocco, Senegal and Tunisia participated in the workshop.

32. In January 2014, the High Commissioner recommended that the Congress in Guatemala ratify the Convention as a guarantee of non-recurrence of past violations (see A/HRC/25/19/Add.1, para. 96 (f)).

33. In Colombia, OHCHR provided technical advice to an intersectoral task force comprised of State representatives and civil society organizations, which developed draft Law 1408 currently under review and which regulates, among other matters, issues related to the search and analysis of human remains. The Law is relevant for the implementation of the Convention, which Colombia ratified in 2012.

34. In Mexico, OHCHR has been following and supporting, where appropriate, the drafting process of laws on enforced disappearance. OHCHR has also been encouraging the withdrawal of reservations to international treaties, including in relation to the scope of military jurisdiction on cases of enforced disappearance.

35. The OHCHR Regional Office for South America has encouraged civil society organizations to submit alternative reports to the Committee on Enforced Disappearances. With the assistance of OHCHR advocacy, awareness-raising, training on reporting and the dissemination of the Committee's reporting guidelines, four Argentine civil society organizations submitted alternative reports to the Committee for its review of Argentina in November 2013.

36. The United Nations Voluntary Fund for Victims of Torture has awarded grants to a number of non-governmental entities providing assistance to families of victims of enforced disappearances and/or documenting cases of enforced disappearance in line with the relevant provisions of the Convention. For example, in Mexico, the Fund supports a project aiming at providing legal aid to the families of migrant victims of enforced disappearances in border areas. In Argentina, another project continues to be supported by the Fund with the aim of delivering psychological, social and legal services, including DNA tests, to the families of victims of enforced

disappearances. In El Salvador, the Fund supports a project implemented in former conflict zones, which provides medical, psychological and legal services to victims of torture and enforced disappearances.

V. Activities of the Committee on Enforced Disappearances

37. During the reporting period, the Committee took several steps to promote the ratification and implementation of the Convention and has maintained its dialogue with the Working Group on Enforced or Involuntary Disappearances and with other relevant mechanisms and stakeholders.

38. On 30 August 2013, on the occasion of third International Day of the Victims of Enforced Disappearances, the Chairs of the Committee and the Working Group produced a video message, in which they highlighted the importance of universal ratification of the Convention and recalled some of the tools provided for victims under the Convention, such as the urgent action procedure under article 30.

39. During his opening statement to the Committee at its fifth session, the Chair of the Committee, Emmanuel Decaux, highlighted the increase of States parties to the Convention and mentioned that ratification was only the first step and that it should be followed by the implementation of the Convention in the domestic legal order. He also invited States parties that had not done so to accept the competence of the Committee under articles 31 and 32 of the Convention. During his opening statement at the sixth session, the Chair stressed that enforced disappearances were an ongoing reality worldwide and also stressed the need to continue to promote the ratification of the Convention and to support the work of the non-governmental organizations on the matter.

40. The Chair of the Committee and the Vice-Chair, Mamadou Badio Camara, participated as resource persons in a seminar on the reporting procedures to the Committee on Enforced Disappearances, held in Tunis from 18 to 20 November 2013, and organized by OHCHR and the International Organization of la Francophonie.

41. The Committee held its third meeting with the Working Group on Enforced or Involuntary Disappearances on 7 November 2013. In a joint statement, the experts of the two mechanisms highlighted the need to continue working collectively to achieve universal adherence to the Convention and recognition of the competence of the Committee to receive individual and inter-State complaints.[1]

42. On 14 November 2013, the Committee adopted in public session the document on the relationship of the Committee on Enforced Disappearances with civil society actors (CED/C/3). The draft version had previously been made available on the Committee's website with a view to inviting comments from all those who had an interest. A document on the relationship of the Committee with national human rights institutions is currently under consideration and is expected to be adopted during the seventh session of the Committee, to be held in September 2014.

43. The Committee met twice with Member States at public meetings, on 7 November 2013 and 20 March 2014. The Committee invited States parties to the Convention which have not yet submitted their reports, and States which have

[1] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14010&LangID=E.

neither signed nor ratified the Convention to do so, and encouraged all States to accept the Committee's competence under articles 31 and 32. In addition, the Chair updated States on the work of the Committee.

44. On 11 November 2013, the Committee met in closed session with the International Committee of the Red Cross. The experts discussed issues related to the handling of information on disappeared persons and on forensic sciences. Members of the Working Group on Enforced or Involuntary Disappearances also participated in the meeting.

45. On 14 November 2013, the Committee met with the Geneva representative of the International Coordinating Committee of National Human Rights Institutions, Katarina Rose, to discuss cooperation. The Chair of the Committee made a statement in which he gave an overview of the practice of the Committee with regard to the participation of national human rights institutions in the consideration of State parties' reports. He also referred to the other procedures of the Committee and the potentially crucial role national human rights institutions could play in providing information to the Committee and in acting as a safeguard to protect victims against reprisals.

46. On 14 November 2013, the Committee met in closed session with the Working Group on Arbitrary Detention. Members of both mechanisms shared their experiences in dealing with cases of arbitrary detention and enforced disappearance, highlighting commonalities and differences in their working methods.

47. On 15 November 2013, the Working Group on Enforced or Involuntary Disappearances, jointly with the Committee, issued a statement on the occasion of the third meeting between the two bodies, held on 7 November 2013.[1] The members of the two bodies highlighted the need to continue working collectively to achieve universal adherence to the Convention and recognition of the competence of the Committee under articles 31 and 32. Both expert bodies also exchanged information on past activities, including on country visits and the review of State parties, and agreed on continuous cooperation to coordinate their agendas, including on thematic priorities.

48. The Committee also met, on 7 November 2013 and 20 March 2014, with representatives of non-governmental organizations and associations of victims to discuss general matters relating to the promotion and implementation of the Convention. The Committee welcomed the support of non-governmental organizations in relation to encouraging States to ratify the Convention and underlined the importance of close cooperation in raising awareness.

49. On 27 May 2014, the Committee, through its secretariat, sent a reminder to States parties whose reports were overdue to encourage prompt submission, bringing to their attention the guidelines on the form and content of reports under article 29 to be submitted by States parties to the Convention (CED/C/2).

VI. Activities of the Working Group on Enforced or Involuntary Disappearances

50. On 30 September 2013, the Working Group on Enforced or Involuntary Disappearances congratulated Spain on the ratification of the Convention and the

acceptance of the competence of the Committee to receive and examine communications under articles 31 and 32 of the Convention.[2]

51. On 24 October 2013, a press release was issued on the occasion of the address to the General Assembly by the Chair-Rapporteur of the Working Group and the Chair of the Committee on Enforced Disappearances, in which they shared their concerns on the issues of reprisals and stressed the need to identify and develop new strategies to confront current day challenges to eliminate the crime of enforced disappearance.[3]

52. On 8 November 2013, the Working Group held a half-day thematic discussion on enforced disappearances and economic, social and cultural rights, to which members of the Committee on Enforced Disappearances participated among other experts. The event provided a space of discussion on the relationship between enforced disappearances and economic, social and cultural rights and the impact thereon as well as an opportunity to identify challenges and best practices related to enforced disappearances and economic, social and cultural rights.

53. On 25 March 2014, the Chair-Rapporteur of the Working Group participated in a discussion on enforced disappearances and military courts, organized by the Committee on Enforced Disappearances, with a presentation entitled "Military justice in the Declaration on the Protection of All Persons from Enforced Disappearance and the work of the Working Group on Enforced or Involuntary Disappearances".

54. The Working Group uses every opportunity to promote the ratification of the Convention, including during visits undertaken to different States and bilateral meetings held with its representatives.

VII. Activities of United Nations agencies and organizations, intergovernmental and non-governmental organizations

55. A number of intergovernmental and non-governmental organizations have undertaken efforts at the national, regional and global levels to disseminate information on the Convention, promote understanding of it, prepare for its entry into force and assist States parties in implementing their obligations under this instrument.

56. The OSCE Office for Democratic Institutions and Human Rights and the OSCE High Commissioner on National Minorities released, on 12 May 2014, the report of the joint Human Rights Assessment Mission in Ukraine of March 2014. The Mission was deployed at the request of the Government of Ukraine. The Office for Democratic Institutions and Human Rights section of the report identifies a significant number of serious human rights violations, including cases of enforced disappearances, as well as murder and physical assaults and cases of intimidation.[4]

57. Regarding civil society, Amnesty International indicated that it produced a checklist for the effective implementation of the Convention, which to date has been translated into Arabic, Chinese, French, Indonesian and Spanish, and can be found

[2] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=13800&LangID=S.
[3] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13898&LangID=E.
[4] See http://www.osce.org/odihr/118476.

on the Amnesty International website.[5] In addition, Amnesty International and the European Centre for Constitutional and Human Rights provided briefings to the Committee in relation to its reviews of Germany and Spain.

58. The International Coalition against Enforced Disappearances, which comprises 52 non-governmental organizations, has been globally promoting its mandate to lobby actively for universal ratification and application of the Convention at the national level for the achievement of a legitimate solution in favour of victims of enforced disappearance. In March 2014, the Coalition convened its members in Switzerland to assess its challenges and milestones and plan future global activities. The Coalition has performed, through its focal points, an important number of activities to support both the Committee and the Convention. These include lobbying activities, campaigns and information drives, the provision of legal and training services as well as organizational and administrative activities to assist the Coalition and its members.

59. TRIAL (Swiss Association against Impunity), which is a member of the International Coalition against Enforced Disappearances, has supported the work of the Committee by submitting alternative reports and other documents in relation to the country reviews and follow-up to reviews, specifically in relation to France, Germany, Mexico and Spain. TRIAL has consistently referred to the Convention in relation to alternative reports it has submitted to other human rights treaty bodies and to allegations submitted to special procedures of the Human Right Council. TRIAL is also litigating more than 100 cases of enforced disappearance concerning different countries before the European Court of Human Rights and the Human Rights Committee, referring to the Convention as the highest standard in the field. TRIAL has collaborated with other civil society organizations on reports and publications related to treaty bodies. Representatives of TRIAL have also participated in a series of conferences and seminars on enforced disappearances during the reporting period.

VIII. Conclusion

60. **The Secretary-General strongly encourages all States that have not yet become parties to the International Convention for the Protection of All Persons from Enforced Disappearance to take the necessary measures to do so and to accept the competence of the Committee on Enforced Disappearances, under articles 31 and 32 of the Convention. The Secretary-General and the United Nations High Commissioner for Human Rights will continue their intensive efforts to assist States in becoming parties to the Convention and in ensuring its full implementation.**

[5] See www.amnesty.org/en/library/asset/IOR51/006/2011/en.

Annex

States that have signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance as at 25 July 2014

Participant	*Signature*	*Accession or ratification*
Albania[a]	6 February 2007	8 November 2007
Algeria	6 February 2007	
Argentina[a]	6 February 2007	14 December 2007
Armenia	10 April 2007	24 January 2011
Austria[a]	6 February 2007	7 June 2012
Azerbaijan	6 February 2007	
Belgium[a]	6 February 2007	2 June 2011
Benin	19 March 2010	
Bolivia (Plurinational State of)	6 February 2007	17 December 2008
Bosnia and Herzegovina[a]	6 February 2007	30 March 2012
Brazil	6 February 2007	29 November 2010
Bulgaria	24 September 2008	
Burkina Faso	6 February 2007	3 December 2009
Burundi	6 February 2007	
Cambodia		27 June 2013[b]
Cameroon	6 February 2007	
Cabo Verde	6 February 2007	
Chad	6 February 2007	
Chile[a]	6 February 2007	8 December 2009
Colombia	27 September 2007	11 July 2012
Comoros	6 February 2007	
Congo	6 February 2007	
Costa Rica	6 February 2007	16 February 2012
Croatia	6 February 2007	
Cuba	6 February 2007	2 February 2009

Participant	*Signature*	*Accession or ratification*
Cyprus	6 February 2007	
Denmark	25 September 2007	
Ecuador[a]	24 May 2007	20 October 2009
Finland	6 February 2007	
France[a]	6 February 2007	23 September 2008
Gabon	25 September 2007	19 January 2011
Germany[a]	26 September 2007	24 September 2009
Ghana	6 February 2007	
Greece	1 October 2008	
Grenada	6 February 2007	
Guatemala	6 February 2007	
Guinea-Bissau	24 September 2013	
Haiti	6 February 2007	
Honduras	6 February 2007	1 April 2008
Iceland	1 October 2008	
India	6 February 2007	
Indonesia	27 September 2010	
Iraq		23 November 2010[b]
Ireland	29 March 2007	
Italy	3 July 2007	
Japan[a]	6 February 2007	23 July 2009
Kazakhstan		27 February 2009[b]
Kenya	6 February 2007	
Lao People's Democratic Republic	29 September 2008	
Lebanon	6 February 2007	
Lesotho	22 September 2010	6 December 2013
Liechtenstein	1 October 2007	
Lithuania[a]	6 February 2007	14 August 2013
Luxembourg	6 February 2007	

Participant	*Signature*	*Accession or ratification*
Madagascar	6 February 2007	
Maldives	6 February 2007	
Mali[a]	6 February 2007	1 July 2009
Malta	6 February 2007	
Mauritania	27 September 2011	3 October 2012
Mexico	6 February 2007	18 March 2008
Monaco	6 February 2007	
Mongolia	6 February 2007	
Montenegro[a]	6 February 2007	20 September 2011
Morocco	6 February 2007	14 May 2013
Mozambique	24 December 2008	
Netherlands[a]	29 April 2008	23 March 2011
Niger	6 February 2007	
Nigeria		27 July 2009[b]
Norway	21 December 2007	
Palau	20 September 2011	
Panama	25 September 2007	24 June 2011
Paraguay	6 February 2007	3 August 2010
Peru		26 September 2012
Poland	25 June 2013	
Portugal[a]	6 February 2007	27 January 2014
Republic of Moldova	6 February 2007	
Romania	3 December 2008	
Saint Vincent and the Grenadines	29 March 2010	
Samoa	6 February 2007	27 November 2012
Senegal	6 February 2007	11 December 2008
Serbia[a]	6 February 2007	18 May 2011
Sierra Leone	6 February 2007	
Slovakia	26 September 2007	

Participant	*Signature*	*Accession or ratification*
Slovenia	26 September 2007	
Spain[a]	27 September 2007	24 September 2009
Swaziland	25 September 2007	
Sweden	6 February 2007	
Switzerland	19 January 2011	
Thailand	9 January 2012	
The former Yugoslav Republic of Macedonia	6 February 2007	
Togo	27 October 2010	21 July 2014
Tunisia	6 February 2007	29 June 2011
Uganda	6 February 2007	
United Republic of Tanzania	29 September 2008	
Uruguay[a]	6 February 2007	4 March 2009
Vanuatu	6 February 2007	
Venezuela (Bolivarian Republic of)[a]	21 October 2008	
Zambia	27 September 2010	4 April 2011

[a] States that have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of the declarations and reservations made by States parties can be found at http://treaties.un.org.

[b] Accession.